

a written corrective action plan describing the specific actions which it plans to take. Section 1115.20(a) of the regulations on Substantial Product Hazard Reports, 16 C.F.R. § 1115.20(a), outlines the elements of an appropriate corrective action plan. The staff has also enclosed examples of recall actions taken by firms that the firm may find useful. The staff will review the firm's plan promptly and discuss with it any suggestions it has or additional measures it believes Hydro Air Industries, Inc. should take.

Additionally, rather than the Commission unilaterally issuing a press release, the staff believes it would be appropriate for the firm and the Commission to issue a joint press release announcing the corrective action plan. The staff will work with the firm to develop and issue a mutually acceptable release.

A voluntary corrective action plan must include an agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged substantial product hazard. Please read carefully the enclosed document on "Information Disclosure" dated May 12, 1983. This document discusses the statutes and regulations which govern the Commission's disclosure of information and explains Commission staff's policy on the disclosure of information concerning product recalls and similar actions.

When the corrective action program begins, the Division of Corrective Actions will monitor the progress of the corrective action. The staff requests that the firm provide monthly progress reports to the Division of Corrective Actions (using the enclosed form). Please provide customer lists and any other information requested so that the staff can monitor the effectiveness of the corrective action at various levels of the distribution chain.

#### Information Requested

Please submit the following information and samples:

1. Copies of all test reports, analysis, and evaluations including premarket tests and reports of tests and any analyses related to the reported problem involving the model 10-6200 suction cover, including the date and place such tests and analyses were conducted by or on behalf of the firm and the identity of the persons involved in the testing and analyses.

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2. Copies of all performance tests concerning the firm's retrofit for the model 10-6200 suction fitting cover.
3. The types of installations that would use the 10-6200 model suction fitting cover.
4. The most common position of the 10-6200 suction cover when installed.
5. The flow rate for the 10-6200 suction cover.
6. Two retrofit suction cover samples including instructions to be provided for consumer use.
7. A list of distributors that received the model 10-6200 suction fitting cover.

#### Compliance With Reporting Obligations

Once agreement is reached on a corrective action plan and the plan is implemented, if appropriate, the staff will also investigate and assess whether it believes the firm has complied with the reporting requirements of Section 15(b) of the CPSA, 15 U.S.C. § 2064(b). That section requires every manufacturer, distributor, and retailer of a consumer product who obtains information which reasonably supports the conclusion that the product (1) contains a defect which could create a substantial product hazard, or (2) creates an unreasonable risk of serious injury or death, immediately to inform the Commission of the defect, or risk, unless the firm has actual knowledge that the Commission has been adequately informed of the defect, or the risk. See 16 C.F.R. Part 1115. The CPSA makes it a prohibited act to violate the reporting requirement. Firms may be liable for a civil penalty of \$5000 for each product involved up to a maximum of \$1,250,000 for any related series of violations. Sections 15(b), 19(a)(4), 20 and 21 of the CPSA, as amended, 15 U.S.C. §§ 2064(b), 2068(a)(4), 2069 and 2070, describes the obligation of manufacturers, distributors and retailers to furnish information to the Commission and the penalties for failing to furnish such information.

If the firm receives any information concerning other incidents or injuries, or information affecting the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately. Additionally, if the firm receives information which might indicate that its corrective actions are not satisfactory in eliminating the defect

JB

Page 4

or hazard or that the effectiveness of the corrective action program is less than what has been reported, it must report that information to this Division immediately.

The staff requests a response within 10 working days from receipt of this letter. Please reference the CPSC file number in your response.

The staff will make every effort to work closely and cooperatively with the firm to assure a successful corrective action plan which will protect the public while at the same time create a minimum of burden and inconvenience for the firm. If you have any questions or desire assistance in responding to this letter, you may contact Judith Hayes, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001, telephone: (301) 504-0608, extension 1355.

Sincerely,

Marc J. Schoem  
Director  
Division of Corrective Actions

Enclosures

Progress Report Form  
Information Disclosure Sheet  
Examples of Notification Measures

cc: Consumer Product Safety Commission  
Western Regional Center  
600 Harrison Street  
Room 245  
San Francisco, CA 94107-1370

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## SUCTION FITTING INSTALLATION INSTRUCTIONS

### INSTALLATION:

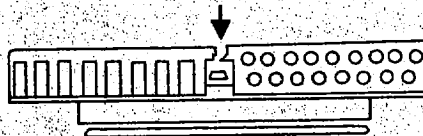
1. Making sure the surface is flat for best possible seal, drill a hole to suit the wall fitting being installed.

RECOMMENDED HOLE SAW SIZES ARE:

#10-6906 & 10-6906M	SLIMLINE SUCTION	2 $\frac{7}{16}$ "
#10-6806 & 10-6806M	HI VOLUME SUCTION	2 $\frac{7}{16}$ "
#10-6001	MAIN DRAIN	3"

**NOTE: SEE REVERSE SIDE FOR PROPER SUCTION FITTING ASSEMBLIES.**

2. The gasket, when used, should be placed on the outside surface of the spa/tub. On a radius, the gasket should be placed on the inside of spa/tub to obtain the best seal. Make sure the sealing surface is smooth to provide for a good seal.
3. Before inserting the wall fitting through the hole, apply silicone to the threads. This will help seal the wall fitting and the nut.
4. Using a wrench, hand tighten the wall fitting into the nut. It is not necessary to overtighten as the gasket and silicone will create a good seal.
5. Screw the suction cover with threaded adapter into wall fitting until adapter bottoms out. On the Slimline model, #10-6906 & 10-6906M, the cover will lock automatically when fully tightened. All other models require the locking screw to be placed through the face of the cover in the provided hole, and tightened until the cover is secure.
6. To remove the cover, on Slimline models, lift the latch at the side of the cover while rotating counter clockwise. Other models require the removal of the locking screw and then rotating the cover counter clockwise.



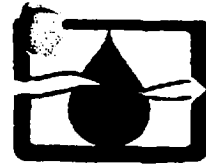
**NOTE:** To reduce the risk of drowning from hair and body entrapment, install a suction fitting(s) with a marked flow rate in gallons per minute that equals or exceeds the flow rate of your system. Use multiple suction outlets. If fitting breaks, replace it.

### NOTICE TO BATHER

1. Keep hair and clothing a minimum of twelve inches away from the suction fitting at all times. Persons with long hair should either secure hair to a minimum length or wear a bathing cap.
2. Children should NEVER use or be left unattended at any time in a swimming pool, spa, hot tub, whirlpool or jetted bathtub.

AS WITH ANY BODY OF WATER, A BATHER SHOULD NEVER USE IT ALONE OR WITHOUT SUPERVISION.

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**HYDRO AIR  
INDUSTRIES INC.**

1317 W. GROVE AVE, ORANGE, CA 92665 ■ 714/974-1920

DATE: June 23, 1994TO COMPANY: CPSCATTENTION: Judith HaysFROM: Sheri MartineNUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2MESSAGE: Article you requested. Hope  
it is readable.

# Girl's life saved, but not her hair

By TIM GRANT  
Times Staff Writer

**LECANTO** — Aisling Godwin had always been proud of her hair, which had been cut only once in her 9 years.

But when her waist-length blond locks got trapped in the drain of a friend's hot tub April 8, a quick haircut was the only thing that saved her life.

For about seven minutes, the elementary school pupil was trapped beneath the warm, bubbling spa waters.

"I was trying to get out. I thought I was going to die," Aisling said. "I remember someone pulling my legs and I couldn't hold my breath anymore so I just went to sleep."

The terrifying ordeal began innocently enough.

Aisling of Osoello in Citrus County was spending the night with her best friend, Tiffany Griffith, 10, in Timberlake Estates.

Kathy Griffith said her two children and Aisling had been playing in the swimming pool that morning, then decided to join her in the hot tub. The water level was low, so Mrs. Griffith, 38, left to call her husband at work for directions on how to raise the level.

The girls decided to go in the hot tub, and while playing a game called "truth or dare," Aisling tried to do a headstand. The tub's strong water pump sucked in her long hair, tangling it around the drain's plastic cover.

Tiffany ran into the house, saying that Aisling was trapped. Mrs. Griffith said she dropped the phone and turned off the hot tub's circuit breaker. But the children still were not able to free Aisling.

Just then, Tom Schaefer, a 43-year-old mechanic with Consumer Car Care in Beverly Hills, arrived at the house to deliver a repaired car. Mrs. Griffith shouted for him to go to the spa and help the children while she ran upstairs, found a pair of scissors and dialed 911.

Schaefer jumped into the water and after being handed the scissors, extricated Aisling with a few quick snips. "Believe me, I was not trying to be a beautician."

"When they pulled her out of the water she wasn't breathing," Mrs. Griffith said. "The repairman gave her mouth to mouth and when she came back, she was disoriented. She thought she was still underwater and she was fighting and struggling, trying to get out."

"She was screaming, 'Cut my hair. Cut my hair. Please cut my hair.' And I tried to calm her by telling her it's already been done, and she was not in danger."

Aisling's mother, Debra, 35, was called while paramedics treated the girl. She followed her daughter to Seven Rivers Community Hospital, where Aisling was kept overnight for observation.

"It's a very scary feeling to have someone tell you something like that has happened to your child," she said, "but the first thing Kathy told me when she called was that Aisling was okay."

Although the incident seems bizarre, records show it is not that uncommon.

A November 1991 study by the American Academy of Family Physicians found 151 cases of people dying in hot tubs. The deaths were reported by medical examiners, coroners and the U.S. Consumer Product Safety



This photo — STEVE HARRIS

Aisling Godwin nearly drowned April 8 when her long hair became tangled in a hot-tub drain at a friend's house. Now the youngster says she doesn't want to go near a spa.

Commission.

Forty percent of the spa-related deaths involved children younger than 12. The children often fell into uncovered spas or became trapped by the pump's suction, the study found.

The Griffiths' spa was installed by Apollo Pools and Spas. The company's co-owner, Chris Brantley, said that the equipment has passed stringent testing and that spas are intended as relaxation spots, not as play areas for children.

"You sit in a spa. You don't play in it. You don't dive in it," he said. "A spa is not a place for small children. A swimming pool would be

best for them.

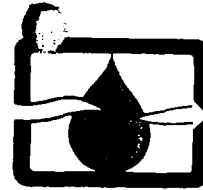
Mrs. Godwin said she did not want Aisling to fear going back to Tiffany's house, nor did she want her daughter to fear going back in the water, so both parents encouraged the children to go swimming at Tiffany's house the same day Aisling was released from the hospital.

The children enjoyed going swimming but none of them wanted to go near the hot tub. Even when posing for a Times photographer, Aisling refused to dip her toe into the whirlpool that almost took her life.

"I never want to go into another spa," she said.

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# HYDRO AIR INDUSTRIES INC.



1317 W. GROVE AVE., ORANGE, CA. 92665 ■ 714/974-1920

June 15, 1994

U.S. Consumer Products Safety Commission Compliance  
4330 East West Hwy Room 613  
Bethesda, Md. 20814-4408

Attn: Judith Hayes

Re: Your letter dated April 22, 1994  
CPSC RP940116  
Model 10-6200 Suction Fitting

RECEIVED

JUN 22 P.M.

Compliance and Enforcement  
CPSC

Dear Ms. Hayes,

We are currently working on the suction fitting in question. This letter will contain the details and descriptions of the fitting in question. Samples will be sent along with this letter, as requested. This letter will not contain corrective action plans.

1. Person submitting report:  
David Allen  
Vice President Manufacturing  
Hydro Air Industries, Inc  
1317 W. Grove Ave  
Orange, Ca. 92665
2. Manufacturer of fitting:  
Hydro Air Industries, Inc  
1317 W. Grove Ave  
Orange, Ca. 92665
3. Description of fitting:  
Main Drain; Part Number 10-6200  
line drawing included as enclosure #1
4. Listing certificate enclosed as item #2.  
Part number 10-6200 is listed in accordance with ANSI/ ASME  
A112-19.8
5. Nature of the injury:  
No injury - accident was a near drowning
6. Received word of the accident via phone mid April, 1994.
7. 1 main drain was involved.

8. This item has been in production since 1980.  
Total units sold for years 1980 through May, 1994 is  
205,126.

Ms. Hayes, we are working on a retrofit cover for this product. We expect this will take a few months at best. If you require additional information on the items discussed above, or other items of interest to you, please contact me at your convenience.

Sincerely,

David Allen <sup>em</sup>

David Allen  
V.P. Manufacturing



ENCLOSURE #1

**10-6001**  
**Main Drain Anti-Vortex Cover**  
Includes mounting hardware.  
5 per bag, 1 lb. 2 oz.

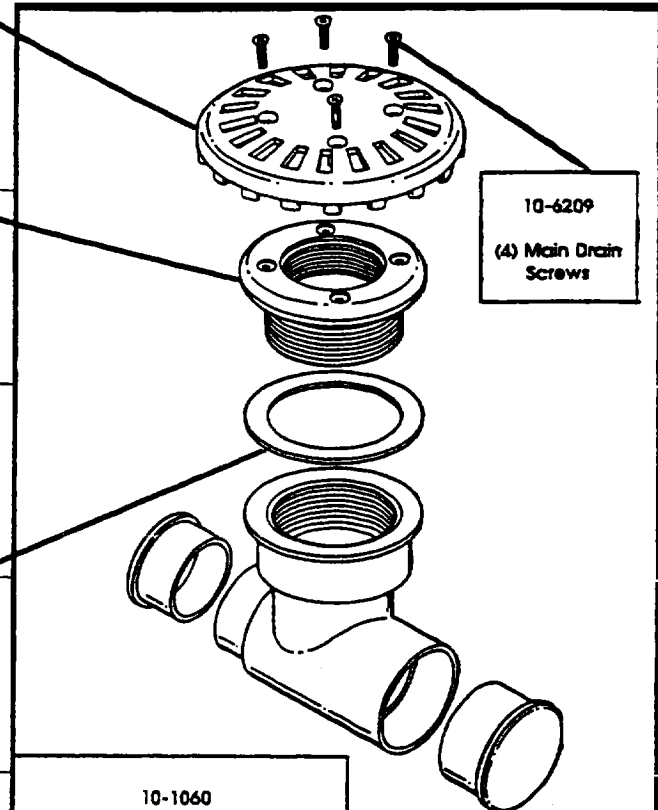
**10-6002**  
**Thru-Floor Fitting only**  
1-1/4" thread length.  
10 per bag, 2 lbs. 4 oz.

**10-6302**  
**Extended Main Drain Fitting only**  
2-1/4" thread length.  
5 per bag, 1 lb. 13 oz.

**10-6003**  
**Gasket for Main Drain**  
Also fits swim jet & adjustable skimmer. 1 oz. ea.

**10-6004**  
**1-1/2" x 2" Slip Tee Main Drain Nut Fitting**  
12 oz. ea.

## 10-6200 Main Drain Assembly



**10-6209**  
**(4) Main Drain Screws**

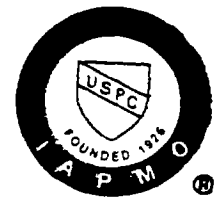
**10-1060**  
**TEST PLUG for Main Drain**  
See page 29.

W/mounting hardware, 1-1/2" & 2" plugs. 20/case. 31 lbs.

Not pictured:  
**10-6203**  
**Extended Main Drain Assembly**  
Includes all mounting hardware.  
1-1/2" & 2" plugs. 20/case. 32 lbs.

# INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS

A NONPROFIT CORPORATION



## CERTIFICATE OF LISTING

Samples of the product described herein have been tested by an independent testing laboratory and have been reviewed and accepted for listing by the Plumbing Research Committee of the International Association of Plumbing and Mechanical Officials as meeting the requirements of the Uniform Swimming Pool, Spa and Hot Tub Code™. This listing is subject to the conditions set forth in the characteristics below and is not to be construed as any recommendation, assurance or guarantee by the Association of the product or of product acceptance by local jurisdictions or authorities using the Uniform Swimming Pool, Spa and Hot Tub Code™ or otherwise affiliated with the Association.

Accepted March 1994

Void After March 1995

PRODUCT: Suction Fittings

FILE NO. SP-1122

APPLICANT: Hydro Air Industries, Inc.  
1317 W. Grove Avenue  
Orange, CA 92665

IDENTIFICATION: USPC® certification mark shall be on outside visible surface of cover. Manufacturers name or logo, GPM, and model designation shall be on a visible surface or under cover or on body of fitting.

CHARACTERISTICS: The assembly is comprised of a safety cover (brass, stainless steel, or plastic), mounting body and threaded lock (nut or elbow). The cover must require the use of a tool to remove and meet the requirements of ANSI A112.19.8M-1987 for anti-hair and body entrapment per section 308(d) and (e) of the USPC. May or may not be self-draining. For spas, whirlpool baths and hot tubs.

MODELS: 10-6106 - 36 GPM, 10-6106M - 52 GPM, 10-6200 - 56 GPM,  
10-6406 - 65 GPM, 10-6406M - 92 GPM, 10-6806 - 100 GPM,  
10-6806-M - 100 GPM, 10-6906 - 68 GPM & 10-6906M - 60 GPM.

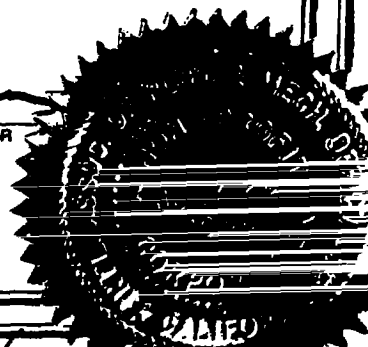
This listing is for the period indicated herein and is void after date shown above. Any change in material, manufacturing process, marking or design without having first obtained the approval of the Plumbing Research Committee, or evidence of non-compliance with applicable standards or of inferior workmanship, may be deemed as sufficient cause for revocation of the listing. Reproduction or reference to this form for advertising purposes may be made only by specific written permission of the International Association of Plumbing and Mechanical Officials. This authorizes the use of the USPC® certification mark on products covered by this certificate.

Any alteration of this certificate could be grounds for revocation of the listing.

*Leonard A. Ramocot*  
CHAIRMAN, PLUMBING RESEARCH COMMITTEE

*Kenneth S. Kishner*  
EXECUTIVE DIRECTOR

Sponsors of the Uniform Plumbing Code™, Uniform Swimming Pool,  
Spa and Hot Tub Code™ and Uniform Solar Energy Code™,  
Co-Sponsors of the Uniform Mechanical Code™.



HYDRO AIR INDUSTRIES, INC.  
1317 W. GROVE AVE.  
ORANGE, CA 92665

P A C K I N G L I S T

Order Number: 19108 Page:  
Order Date: 06/15/94  
Print Date: 06/15/94

Bill To: MISC

Ship To: CPSC1

MISCELLANEOUS

CPSC  
4330 E. WEST HWY ROOM 613  
BETHESDA,, MD 20814-4408

Salesperson[1]: ----  
Credit Terms:

[2]:

Purchase Order: ATTN: JUDITH HAYS  
Ship Via: UPS  
FOB Point: ORANGE, CA.

Remarks: **TODAY**

Ln	Item Number	Rev	T	Location	Lot/Serial Ref	Qty Open	Qty to Ship	UM	Due Shipper
1	10-6200WHT MAIN DRAIN ASY WHITE			1000		2 -	2.0	EA	06/15/94
2	99-9999 ENVELOPE			1000		1 -	1.0	EA	06/15/94

RM 19108 GND SAV 302 4.3

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# HYDRO AIR INDUSTRIES INC.



1317 W. GROVE AVE, ORANGE, CA. 92665 ■ 714/974-1920

June 15, 1994

U.S. Consumer Products Safety Commission Compliance  
4330 East West Hwy Room 613  
Bethesda, Md. 20814-4408

Attn: Judith Hayes

Re: Your letter dated April 22, 1994  
CPSC RP940116  
Model 10-6200 Suction Fitting

Dear Ms. Hayes,

We are currently working on the suction fitting in question. This letter will contain the details and descriptions of the fitting in question. Samples will be sent along with this letter, as requested. This letter will not contain corrective action plans.

1. Person submitting report:  
David Allen  
Vice President Manufacturing  
Hydro Air Industries, Inc  
1317 W. Grove Ave  
Orange, Ca. 92665
2. Manufacturer of fitting:  
Hydro Air Industries, Inc  
1317 W. Grove Ave  
Orange, Ca. 92665
3. Description of fitting:  
Main Drain; Part Number 10-6200  
line drawing included as enclosure #1
4. Listing certificate enclosed as item #2.  
Part number 10-6200 is listed in accordance with ANSI/ ASME  
A112-19.8
5. Nature of the injury:  
No injury - accident was a near drowning
6. Received word of the accident via phone mid April, 1994.
7. 1 main drain was involved.

FAX (714) 974-5371

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8. This item has been in production since 1980.  
Total units sold for years 1980 through May, 1994 is  
205,126.

Ms. Hayes, we are working on a retrofit cover for this product.  
We expect this will take a few months at best. If you require  
additional information on the items discussed above, or other  
items of interest to you, please contact me at your convenience.

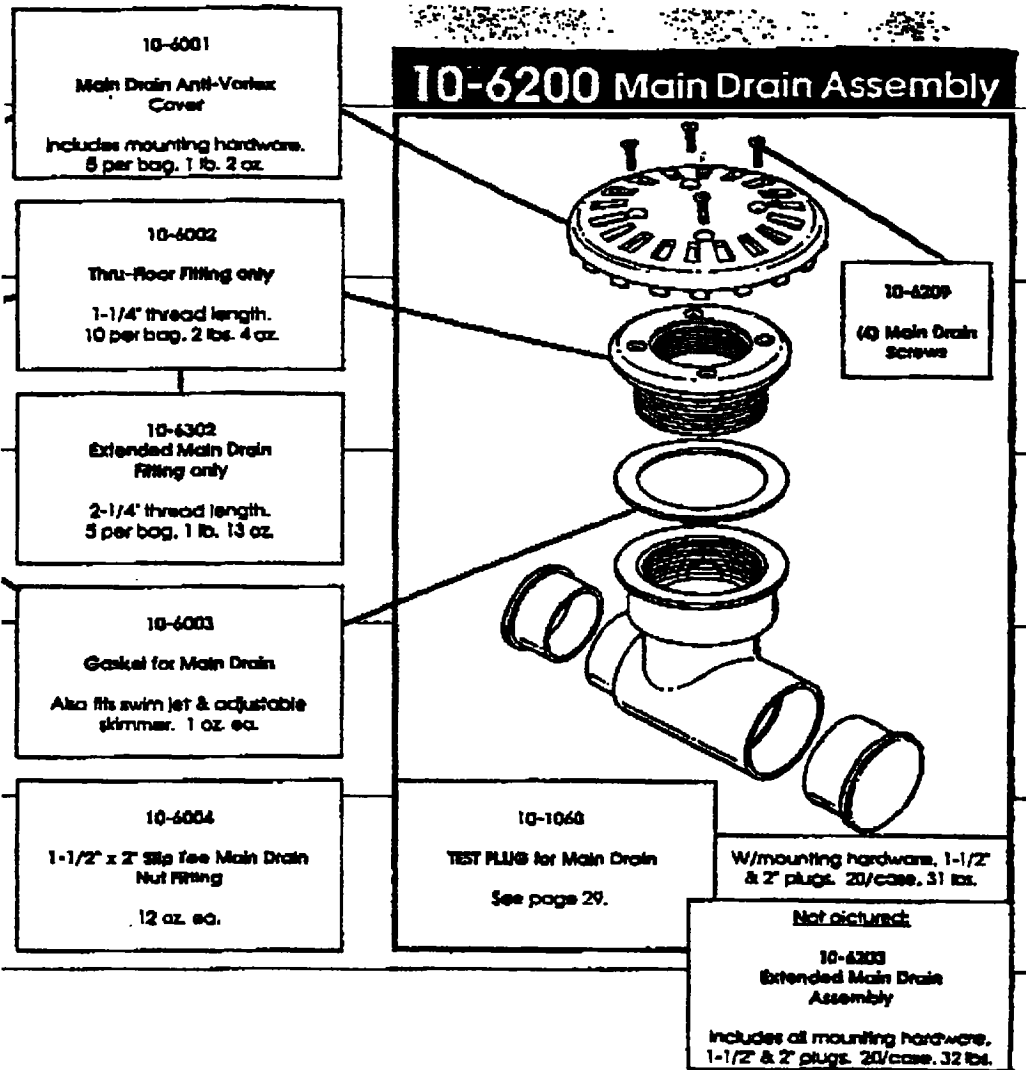
Sincerely,

David Allen <sup>en</sup>

David Allen  
V.P. Manufacturing

- produced since 1980 = 205,126 units  
- stopped prod. in 5/94  
- Accepted by ~~IAFMO~~ IAFMO + RVT  
in 3/94 - # SP1122  
- incident occurred 4/8/94  
- 1 incident; near drowning  
- redesigning underway

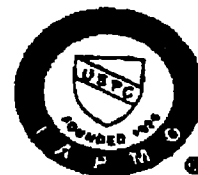
ENCLOSURE



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# INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS

A NONPROFIT CORPORATION



## CERTIFICATE OF LISTING

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Accepted March 1994

Void After March 1995

PRODUCT: Suction Fittings

FILE NO. SP-1122

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1317 W. Grove Avenue  
Orange, CA 92665

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CHARACTERISTICS: The assembly is comprised of a safety cover (brass, stainless steel, or plastic), mounting body and threaded lock (nut or elbow). The cover must require the use of a tool to remove and meet the requirements of ANSI A112.19.84-1987 for anti-hair and body entrapment per section 308(d) and (e) of the USPC. May or may not be self-draining. For spas, whirlpool baths and hot tubs.

MODELS: 10-6106 - 36 GPM, 10-6106M - 52 GPM, 10-6200 - 56 GPM,  
10-6406 - 65 GPM, 10-6406M - 92 GPM, 10-6806 - 100 GPM,  
10-6806-M - 100 GPM, 10-6906 - 65 GPM & 10-6906M - 60 GPM.

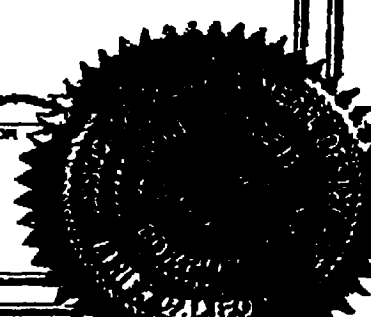
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Any alteration of this certificate could be grounds for revocation of the listing.

*Leonard A. Ramonetti*  
CHAIRMAN, PLUMBING RESEARCH COMMITTEE

*Kenneth S. Koshman*  
EXECUTIVE DIRECTOR

Sponsors of the Uniform Plumbing Code™, Uniform Swimming Pool,  
Spa and Hot Tub Code™ and Uniform Solar Energy Code™,  
Co-Sponsors of the Uniform Mechanical Code™.



TOTAL P.04

99

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items (or 2 for additional services.
- Complete items 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date

Dave Allen  
Vice President, Manufacturing  
Hydro Air Industries, Inc.  
1317 W. Grove Avenue  
Orange, CA 92665

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Article Number

924012 293

Service Type

Registered

☐ Insured

Certified

☐ COD

Express Mail

☐ Return Receipt for Merchandise

Date of Delivery

4-28-94

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

**DOMESTIC RETURN RECEIPT**





**FOR OFFICIAL USE ONLY**

U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207

**COPY**

OFFICE OF COMPLIANCE  
AND ENFORCEMENT

Division of  
Corrective Actions  
Tel: 301-504-0608  
Fax: 301-504-0359

**APR 22 1994**

Certified Mail

Dave Allen  
Vice President, Manufacturing  
Hydro Air Industries, Inc.  
1317 W. Grove Avenue  
Orange, CA 92665

Re: CPSC RP940116  
Hydro Air Industries, Inc.  
Model 10-6200 Suction Fitting

Dear Mr. Allen:

Thank you for your telephone report of April 19, 1994 under section 15(b) of the Consumer Product Safety Act, as amended (CPSA), 15 U.S.C. § 2064(b). In your report, you indicated that your firm's model 10-6200 suction fitting was involved in an incident of hair entrapment that resulted in a near drowning.

Enclosed for your information are the Consumer Product Safety Act and the Commission's regulation entitled, "Substantial Product Hazard Reports," 16 C.F.R. Part 1115. These documents explain the Commission's authority and policy with regard to products which may present substantial product hazards and also explain the firm's rights and obligations under the Act.

One of the responsibilities of the Compliance staff is to determine preliminarily whether a defect is present in a product and, if so, whether that defect rises to the level of a substantial product hazard as defined by section 15(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(a).

**Information Requested**

For the staff to assess accurately the potential hazard associated with the firm's product, if any, it requires certain

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information from the manufacturer or importer of this product. Please provide the "Full Report" information specified by 16 C.F.R. § 1115.13(d) (1-14) on pages 35,001-02 of the enclosed Federal Register notice. In your response, please reference each question number (1-14).

In addition to providing the information requested in 16 C.F.R. §1115.13(d) (1-14), paragraph 15 of the "Full Report" requests any additional information needed by the staff. In accordance with paragraph 15 (see page 35,002), please also provide the following additional information:

- 15a. Copies of all test reports, analyses, and evaluations, including premarket tests and reports of tests and any analyses related to the reported problem. Include the date and place such tests and analyses were conducted by or on behalf of the firm and the identity of the persons involved in the testing and analyses.
- 15b. Copies of all engineering drawings, engineering change notices and material specifications relevant to the identified problem.
- 15c. The identity of the person(s) who identified the potential problem, the date he/she identified the problem, any persons they notified, and the date of notification.
- 15d. Concerning the information specified by 16 C.F.R. §1115.13(d)(6), please include a copy of all safety related consumer or dealer complaints, warranty claims, reports of injury, and copies of all documents related to such complaints, claims and injuries. Please include, copies of all court complaints and related documents filed in or associated with lawsuits involving the product and a description of the resolution of those lawsuits, if any.
- 15e. Provide two samples of the model 10-6200 suction fitting, instructions for proper installation, bulk head fitting and other fixtures that would assist in mounting the suction fitting. If there is a cost associated with these samples, notify us prior to sending the samples.

If the consumer complaints and the other documents requested in Paragraph 15d above are unavailable, please indicate the reason for such unavailability, and provide a summary of the requested items containing the name, address and telephone number of the claimant, or the name address and telephone number of the plaintiff's attorney.

### Staff Assessment

After receiving the firm's response, the Commission's Compliance staff will make a preliminary determination as to whether it believes the product presents a substantial product hazard. See 16 C.F.R. § 1115.12(a). Therefore, it is of primary importance that the firm now provide all of the requested information so that the staff can make an accurate assessment of the potential safety hazard associated with the product.

### Information Disclosure

The Commission often receives requests for information provided by firms under section 15(b) of the CPSA. Section 6(b)(5) of the CPSA, 15 U.S.C. § 2055(b)(5), prohibits the release of such information unless a remedial action plan has been accepted in writing, a complaint has been issued or a firm consents to such release. (See section 6(b) of the CPSA, as amended (enclosed)).

In addition to the above, if the firm submits any information that it considers to be a trade secret, or confidential commercial or financial information, it must mark it "confidential" in accordance with section 6(a)(3) of the CPSA, as amended, 15 U.S.C. § 2055(a)(3) and 16 C.F.R. § 1015.18. The Commission is prohibited from disclosing to the public information that is in fact trade secret or proprietary commercial or financial data. If the firm does not request confidential treatment at the time of its submission or within ten days thereafter, the staff will assume that it does not consider information in the submission to be a trade secret or otherwise exempt from disclosure under section 6(a) of the CPSA and the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

### Continuing Obligation

Please note that the firm has a continuing obligation to supplement or correct its "Full Report" as new or different information becomes known. For instance, if after filing the "Full Report" the firm receives or learns of information concerning other incidents or injuries, or information that affects the scope, prevalence or seriousness of the defect or hazard, it must report that information to this Division immediately.

The Division of Corrective Actions requests that the firm provide a response within 10 working days of your receipt of this letter. Please reference the CPSC file number in your response.

If you seek assistance or if you have any questions, you may contact Judith Hayes, Division of Corrective Actions, U.S. Consumer Product Safety Commission, 4330 East West Highway, Room 613, Washington, D.C. 20207-0001, telephone: (301) 504-0608, extension 1355. Thank you for your cooperation in reporting under section 15 of the Consumer Product Safety Act.

Sincerely,

Marc J. Schoem  
Director  
Division of Corrective Actions

Enclosures

Compilation of CPSC Statutes  
Substantial Product Hazard Regulations  
FOIA Regulations  
Information Disclosure Sheet  
Recall Handbook

cc: Consumer Product Safety Commission  
Western Regional Center  
600 Harrison Street  
Room 245  
San Francisco, CA 94107-1370

714-228-1147  
Barton  
Kevin sup. info  
in IDI

**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
**WESTERN REGIONAL CENTER**  
600 HARRISON STREET, ROOM 245  
SAN FRANCISCO, CA 94107

TELEPHONE (415) 744-2966  
FAX (415) 744-2962

DATE: 5/9/96

TO: JUDY HAYES L.A. 714-228-1147  
ORGANIZATION

FROM: KEVIN BARTON  
ORGANIZATION

SUBJECT: HYDRO AIR FOR SPA

NUMBER OF PAGES: 20 + COVER

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TRANSMITTED BY: Maria Ruiz

## FIELD ACTIVITY COVERSHEET

<b>1. REGION/STATE</b> FOWR/LOS	<b>2. OPERATION (Check One)</b> <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other [ ]	<b>3. DATE</b> March 19, 1996 <b>4. NUMBER (For RO Use)</b> 960228CWE6001	
<b>5. ESTABLISHMENT</b> Name, Beachport Spa Address Unknown City Unknown   State   Zip   Telephone			
<b>6. RELATED FIRM</b> <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input checked="" type="checkbox"/> Other Name: Hydro Air   City   State [ ]			
<b>7. PRODUCTS COVERED</b> Residential Spa Spa Suction Cover	<b>8. OTHER CONSUMER PRODUCTS</b> N/A [ ]		
<b>9. ESTABLISHMENT TYPE</b> <input checked="" type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other [ ]	<b>10. ANNUAL PRODUCTION</b> Product Covered \$ . Units [ ] Other Products \$ . Units [ ]		
<b>11. U.S. BUSINESS</b> % Received [ ] % Shipped [ ]	<b>12. SAMPLES COLLECTED</b> N/A	<b>13. MIS CODE</b> 12165	<b>14. HOURS</b> Activity 19 Travel 4.5
<b>15. REASON FOR ACTIVITY (Assignment Reference)</b> F/U to task number 960228CWE6001.			
<b>16. ANNOUNCED</b> <input type="checkbox"/> Rationale for Announced Inspection <b>UNANNOUNCED</b> <input type="checkbox"/> N/A			
<b>17. EMPLOYEE'S NAME</b> Keven Barton	<b>TITLE</b> Invest.	<b>SIGNATURE</b>	
<b>18. ( ) ENDORSEMENT ( ) REMARKS ( ) SUMMARY ( ) OTHER</b> This investigation involves a 12 yr. old female who expired from drowning. The victim's hair became entrapped in a suction drain fitting of a spa. The spa was located at the home of the victim's grandparents. The spa was installed in the home prior to the purchase of the home by the grandparents in 1982. The suction drain fitting was not an anti-vortex drain cover. Follow-up: No further follow-up.			
<b>19. REVIEWER'S NAME</b> Joel C. Swisher	<b>TITLE</b> Act. Sup.	<b>SIGNATURE</b>	
<b>20. REVIEW DATE</b> 4/18/96	<b>21. DISTRIBUTION:</b> EPDS, cc: LOS IDI Files cc: LBaxter, J.Cornell (amis)		

1. CASE NO. 960228CWE6001		2. INVESTIGATOR'S ID [9][0][3][5]		3. OFFICE CODE [8][6][0]		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>	
4. DATE OF INCIDENT YR MO DAY [9][6][0][2][2][5]		5. DATE INVESTIGATION INITIATED		YR MO DAY [9][6][0][3][1][9]			
6. SYNOPSIS OF INCIDENT OR COMPLAINT A 12 year old female died from fresh water drowning in the families backyard spa after her shoulder length hair became entrapped in the suction drain cover of the spa.							
7. LOCATION (Home, school, etc.) Backyard [1][1]		8. CITY Huntington Beach			9. STATE CA		
10A. FIRST PRODUCT Home Spa [0][6][9][8]		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Possible Manufacturer is Beachport Spa, No additional information could be obtained					
10B. SECOND PRODUCT Suction Cover [ ][ ][ ][ ]		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Hydro Air, Address unknown.					
12. AGE OF VICTIM [0][1][2]		13. SEX (USE NUMERICAL CODE) MALE - 1 FEMALE - 2 [2] UNKNOWN - 3		14. DISPOSITION Died [8]		15. INJURY DIAGNOSIS Drowning [6][9]	
16. BODY PART [8][5]		17. RESPONDENT(S) (Mother, Friend) Father & Grandfather [2]		18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 [1] OTHER - 3		19. TIME SPENT [2][3][5]	
20. ATTACHMENTS Multiple [9]		21. CASE SOURCE [0][5]		22. REVIEWED BY [8][0][9][7]		YR MO DAY [9][6][0][4][1][8]	
23. PERMISSION TO DISCLOSE NAMES (NON-NESS CASES ONLY) CPSC MAY DISCLOSE MY NAME [ ] CPSC MAY NOT DISCLOSE MY NAME [XX]							
24. NARRATIVE (See Instructions on Page 2)				25. REGIONAL OFFICE DIRECTOR REVIEW DATE			

The narrative report and exhibits are attached.  
*USE ADDITIONAL SHEETS IF NECESSARY*

SC FOR NO. 182 (Revised 10/93)(Adapted for WP for Windows & Epson LQ-1170 Printer 10/93)



IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996  
Page #2

The information contained within this report was provided by the victim's father and grandfather. Additional information was obtained from official reports.

Pre-Event:

The victim was described by her father as a healthy and active 12 year old female, who weighed 91 pounds and was 61" tall. According to the victim's father his daughter loved the water and was a very good swimmer. The victim had lived in Hawaii for eight years, during which time she snorkeled and swam in the ocean. She also swam in swimming pools, and had been in various spas and hot tubs. The victim and her father had been residing in another state and were vacationing at the home of the victim's grandparents in California.

*have caught* [ The victim had straight blond hair which was just past her shoulders. The father said that her hair was fine but she had lots of it. ]

[ According to the victim's grandfather when he purchased his residence two years ago there was a fiberglass spa in the backyard. The spa was similar in looks and design to a portable unit except that it was recessed into the ground and surrounded by a wooden deck, photographs #1-8, exhibit #8. The mechanical units (filter, pumps, heater) were located approximately 23 feet from the unit. An "L" shaped wooden fence partially obstructed the view of these components, photograph #2, exhibit #8. The spa was seldom used by the victim's grandparents, and did not require any professional servicing or repairs. The grandfather regularly cleaned the spa and tested the water for proper chemical levels. The filter, and the leaf catchers in the pump and blower units were cleaned as needed. The built-in light required resealing which was done by the victim's grandfather. No other servicing was required or conducted. ] *contrary dates of purchase*

During her two week stay at her grandparents home, the victim was always asking if she could swim in the spa. She was allowed to do so on one occasion for approximately 10 to 15 minutes. However, the victim continued asking if she could go into the spa again. Sunday, February 25, 1996, was the last day of the victim's vacation. Her grandfather cleaned the spa in case her father allowed her to use it. At approximately 7:00 p.m. the family finished their evening meal. They retired to the garage to play cards with other family members who were present. At approximately 7:30 p.m. the victim's father allowed her to use the spa. The victim's grandfather went to the backyard with her and turned on the spa and the underwater light.

IDI: 960228CWE6001

Keven Barton (9035)

March 19, 1996

At approximately 7:50 p.m. the victim's grandmother went to the bathroom. There is a window in the bathroom which overlooks the spa. The grandmother looked out the window and did not see nor hear the victim. She advised her husband, and they searched the house and backyard. The spa was still operating but there was no sign of the victim. The grandfather turned off the spa and its light and returned to the garage. They advised the victim's father that the victim was not in the spa and could not be found. The victim's father looked in the yard and checked with several neighbors to the West. Approximately 8:00 p.m. the victim's father looked into the spa again. He was concerned because the victim's sweat pants and towel were still on the wooden deck next to the spa.

**Event:**

When the grandfather turned on the spa light they saw the victim face up with her head apparently attached to the spa drain.

**Post-Event:**

*Victim's father*  
The suction drain is located on the side of the spa near the bottom. Both the father and the grandfather jumped into the spa, but were unable to remove the victim. A pair of scissors were obtained, and after about three to four attempts the father was able to free the victim.

The victim's grandmother had already phoned 911 emergency and the family began CPR until the paramedics arrived. The victim was transported to a local hospital and was pronounced dead at 2043 hours on February 25, 1996. Cause of death was listed in the coroner's summary as fresh water drowning. Blood alcohol level was 0.00%.

According to the father, the grandparents may not have originally seen the victim in the spa because of the bubbles created by the jets. Also the victim was wearing a brown colored swim suit which was similar in color to the spa.

**Product Identification:**

Efforts to identify the manufacturer of the spa were unsuccessful. There were no identifying labels or marks which could be traced to a specific manufacturer. A logo was cast into the fiberglass on the bottom of the spa. This was copied and shown to several spa retailers, but the identity of the spa manufacturer could not be identified. A copy of the logo design is appended as exhibit number one.

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IDI: 960228CWE6001

Keven Barton (9035)

March 19, 1996

A copy of the city building permit was obtained from the city building department. The owner builder permit appears to be dated November 29, 1982, and is for a Beachport Spa. A review of the 1996 North Orange county yellow pages, the 1992 Business to Business phone directory, covering Orange, Inland Empire and San Diego County, and the 1996 greater Los Angeles yellow pages failed to reveal a listing for Beachport Spas.

It is unknown if any of the components were professionally installed, since the permit indicates an owner builder.

A private investigator working for the families attorney claimed that Beachport Spas was once located in San Clemente, CA. However, a check with directory assistance failed to reveal a listing. The investigator advised that he has been unsuccessful in locating a company named Beachport Spas.

The spa is approximately 85" outside and 73" inside diameter, 36" deep, has eight sides and seven jets and molded seats. The jets appear to be adjustable. There is a light mounted on one of the sides near the bottom. The suction cover was removed by the police and fire department and held as evidence. The suction cover was mounted on the side of the spa near the bottom of two steps that lead into the spa.

The controls for the filter, blower, jets, light, and heater are mounted on the outside wall of the house approximately 7'-6" to 8' from the spa and about 4' from the top of the deck, photographs #5-6, exhibit #8. According to the victim's uncle the spa light, heater and jets were turned on at the time of the incident. The pump and filter are 220v and the blower is 120 volt.

The suction cover was in the possession of a private investigator working for the families attorney. I met with him and examined and photographed the cover. The cover was manufactured by Hydro Air, and had the code sequence of p/n 10-6200 and the initials U.S.P.C. The cover was about 6" in diameter and the threaded portion for connecting to the spa was about 2-7/8" in diameter. No other identifying marks could be located. There were no obvious signs of the cover or other components being tampered with, photographs #15-18, exhibit #8.

It is unknown if the pump, blower, filter or heater had ever been replaced. The grandfather had never replaced any of the units in the two years he has owned the home.

///

IDI: 960228CWE6001  
Kevin Barton (9035)  
March 19, 1996

Product Identification:

Filter Pump:

[REDACTED]

Motor for Filter Pump:

[REDACTED]

Heater:

[REDACTED]

Filter:

[REDACTED]

IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996

**Product Labeling:**

The spa contained two labels located on the upper portion of the spas side just above the first step. The labels read:

1. Photograph #15, exhibit #8.

**WARNING**  
**DO NOT EXCEED**  
**104**

2. Photograph #14, exhibit #8.

**CAUTION**

The Consumer Product Safety Commission has stated that water temperature in a spa or hot tub should not exceed 104F immersion in water in excess of 104F could be hazardous to your health, children, aged persons, persons having medical problems and pregnant women should consult their physicians before using a spa or hot tub. Spa or hot tubs should not be used by persons under the influence of alcohol or by persons taking medication which induce drowsiness.

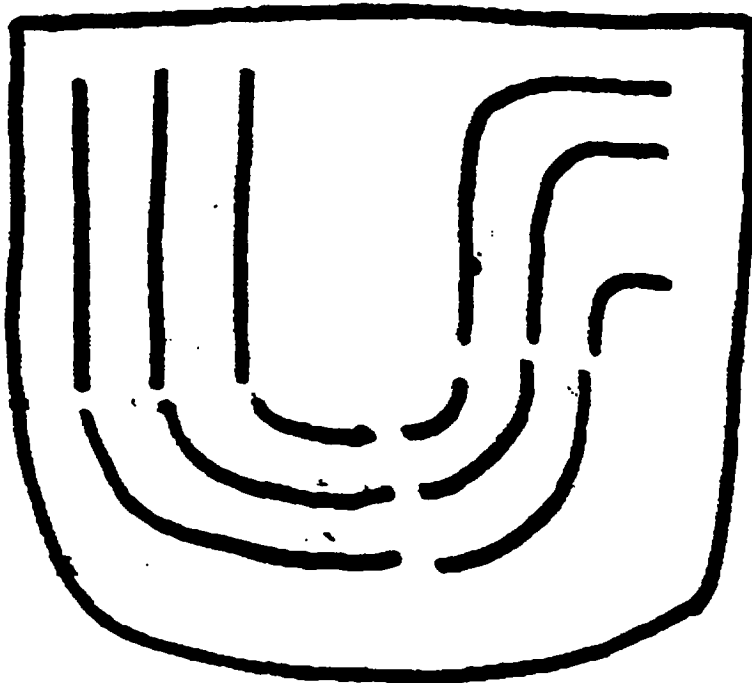
No other identifiable markings could be located on the unit.

**Exhibits:**

1. Drawing of spa logo.
  2. Copy of building permit.
  3. Police report.
  4. Fire and Paramedic report.
  5. Coroner summery report.
  6. Catalog for Hydro Air pump.
  7. Copy of Los Angeles Times article provided by grandfather.
  8. Photographs and Negatives.
- Authorization for release of name.  
Assignment.

LB 3/21/96

960228C4F604





MAY-09-1996 09:16 FROM CPSC/FOUR TO  
SANTA ANA, CA 92703  
1071 W. SANTA ANA BLVD.

913015040359 P.02  
96022806001

RAD GATES, SHERIFF-CORONER

CASE SUMMARY

DECEDENT: [REDACTED] CASE NO.: 96-01341-WU  
PD: HBPB  
DR: 96-04443

RESIDENCE: [REDACTED]  
CITY: Houston STATE: TX 77080  
AGE: 12 years DOB: 06-22-83 RACE: White SEX: Female

OCCUPATION: Student  
RELATIVES: Father: [REDACTED]  
ADDRESS: [REDACTED]  
CITY/STATE: Huntington Beach, CA 92649

CLASSIFICATION: Accident SUBCLASS CODE: MECAP  
DATE OF DEATH: 02-25-96 DATE OF INJURY: 02-25-96  
TIME OF DEATH: 2043 hrs. TIME OF INJURY: Unknown hrs.

PLACE OF DEATH: Huntington Beach Medical Center  
ADDRESS: 17772 Beach Blvd.  
CITY: Huntington Beach, CA 92647  
INJURY MODE: Spa  
INJURY TYPE: Drowning/spa/private residence  
INJURY SITE: Private residence/backyard spa  
INJURY ADDRESS: 4952 Maui Circle  
INJURY CITY: Huntington Beach

ADMITTED FROM: Private residence  
ADDRESS: [REDACTED]  
CITY: [REDACTED]

CAUSE OF DEATH: Fresh water drowning

OTHER COND.: None

INVESTIGATOR: CHRISTY L. WURSTER  
PATHOLOGIST: Joseph J. Halka, M.D.  
AUTOPSY DATE: 02-26-96 TOX RETURNED: 03-14-96 MICRO RETURNED:

DRUGS FOUND PRESENT IN SIGNIFICANT LEVELS:

B/A LEVEL	0.00%
BENZOYLECGONINE	N
COCAINE	N
MORPHINE	N
CODEINE	N
CE	N
METHAMPHETAMINE	N
OTHER DRUGS	N
POISON	N

DATE CERTIFICATE ISSUED: 02-26-96  
DATE CERTIFICATE AMENDED: - -

116



960228CWE6001

# Draw your own conclusions.

## THE MARIAH AIR PUMP: a new direction for blowers.

Hydro Air Industries—the new idea company—is making history with the revolutionary Mariah Air Pump, today's standard of excellence. It's not just another air blower, but the first air pump with a self-cooling bypass motor that eliminates overheating and water damage, and permits trouble-free performance year after year.

Developed specially for spas and hot tubs, the Mariah's unique motor design provides the industry with a new measure of safety, and an end to warranty problems. Universal installation of the unit (side or bottom) requires plumbing connections of only 1½".

If you've put up with blower problems long enough, you're ready for the Mariah Air Pump. For details, contact us at Hydro Air Industries—the new idea company.

A. Air is drawn in under the lid and down the air intake tube, rather than over an electric motor as in conventional blower designs. Overheating is eliminated.

B. With the Mariah's peripheral discharge design, air from the intake tube is pumped through the impellers (stages) and released out the louvered side of the unit.

C. The gasket seal is watertight.

D. The Mariah incorporates the first air pump motor designed specifically for the spa/hot tub industry. The electrical component is safely located in the upper level to prevent water damage and the possibility of electrical shock in the event condensation or water backflow enters the air chamber. The motor has its own cooling system, unlike conventional units which depend on the air flow to retard overheating.

E. Thermal overload protection prevents overheating or damage to the unit during long runs and extended use.

F. Acoustical foam insulation ensures quiet operation.

G. Junction box, switch, and clear Lexan cover included.

H. Side installation option.

THE NEW IDEA COMPANY

**HYDRO AIR INDUSTRIES INC.** 

1317 W. GROVE AVE., ORANGE, CA 92665 (714) 974-1920



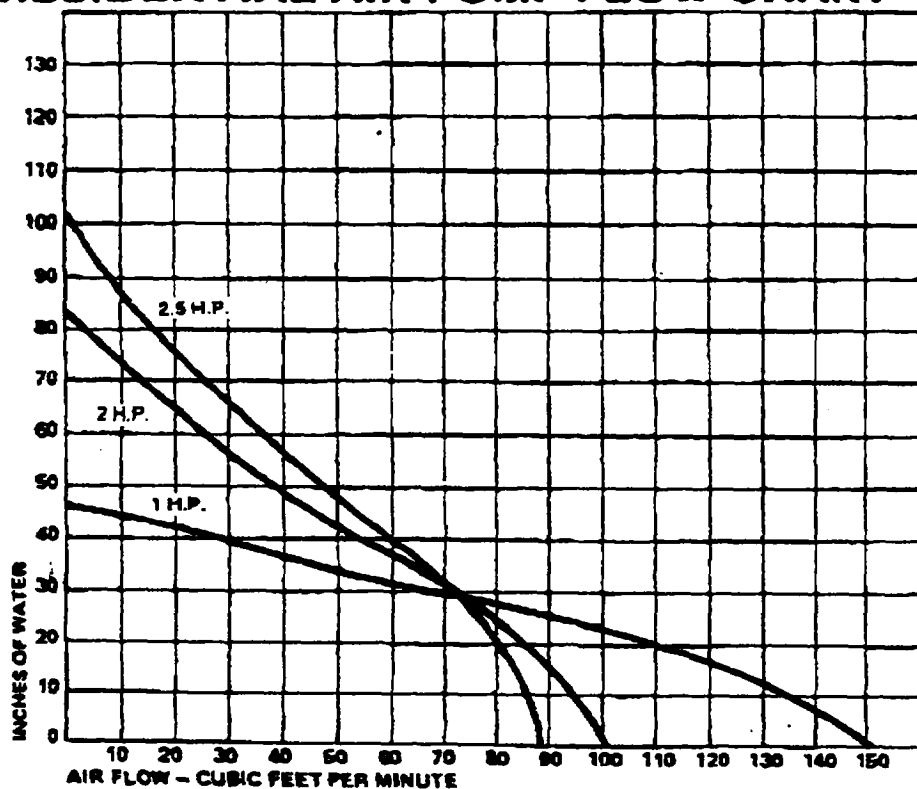
MARIAH AIR PUMP SIZING CHART

117

MODEL NO.	STAGES	VOLTS	MAX. AMPS	MAX. PSI	MAX. CFM	WATER DEPTH	FLOOR HOLES @ 3/16"	-OR- FLOOR HOLES @ 1/8"	SEAT HOLES @ 1/8"	NO. VENTURIS
12-1201	1	120	7.2	2.3	153	24"	18	16	35	4-6
12-2401	1	240	3.8	2.3	144	30"	15	13	27	4-6
12-1202	2	120	9.1	4.1	105	24"	30	45	45	6-10
						30"	26	39	40	6-10
12-2402	2	240	4.1	4.1	97	36"	22	33	36	6-10
						48"	19	27	32	6-10
12-1203	3	120	9.8	4.8	90	24"	33	50	50	8-12
						30"	29	43	44	8-12
12-2403	3	240	4.3	4.8	86	36"	25	36	40	8-12
						48"	21	30	35	8-12

- 1) CALCULATIONS ARE FOR A 25' RUN USING 1 1/2" PVC PIPE AND TWO (2) NINETY DEGREE ANGLES. FOR LONGER RUNS, DECREASE QUANTITY BY 10% FOR EACH ADDITIONAL TEN FEET AND 5% FOR EACH ADDITIONAL NINETY DEGREE ANGLE.
- 2) FOR INCREASED ACTION OR IF MORE HOLES THAN LISTED ARE DRILLED, IT MAY BE NECESSARY TO USE TWO AIR PUMPS.
- 3) CALCULATE DEPTH OF WATER TO HIGHEST LEVEL IN SPA.
- 4) IF FEWER HOLES THAN LISTED ARE DRILLED, THE AIR PUMP WILL STILL FUNCTION AS LONG AS A MINIMUM OF 20 3/16" HOLES ARE DRILLED IN THE FLOOR OR SEAT.

## MARIAH 120/240 VOLT RESIDENTIAL AIR PUMP FLOW CHART



### AIR PUMP USAGE

- 1 H.P. —** As an air boost for six (6) jets or for air induction on spas/hot tubs less than 30" deep and 5' x 5' or 25 square feet of surface area.
- 2 H.P. —** As an air boost for six (6) to eight (8) jets or for air induction on spas/hot tubs less than 50" deep and 8' x 8' or 70 square feet of surface area.
- 2.5 H.P. —** As an air boost for eight (8) to ten (10) jets or for air induction on spas/hot tubs less than 60" deep and 10' x 10' or 100 square feet of surface area.

\*NOTE: If the air line consists of more than thirty five (35) lineal feet of pipe, a larger size air pump should be used.

# Draw your own conclusions.

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B. With the Mariah's peripheral discharge design, air from the intake tube is pumped through the impellers (stages) and released out the tapered side of the unit.

C. The gasket seal is watertight.

D. The Mariah incorporates the first air pump motor designed specifically for the spa/hot tub industry. The electrical component is safely located in the upper level to prevent water damage and the possibility of electrical shock in the event condensation or water backflow enters the air chamber. The motor has its own cooling system, unlike conventional units which depend on the air flow to retard overheating.

E. Thermal overload protection prevents overheating or damage to the unit during long runs and extended use.

F. Acoustical foam insulation ensures quiet operation.

G. Junction box, switch, and clear Lexan cover included.

H. Side installation option.

THE NEW IDEA COMPANY

**HYDRO AIR INDUSTRIES INC.** 

1317 W. GROVE AVE., ORANGE, CA 92665 (714) 974-1920

**MARIAH AIR PUMP SIZING CHART**



119

MODEL NO.	STAGES	VOLTS	MAX. AMPS	MAX. PSI	MAX. CFM	WATER DEPTH	FLOOR HOLES @ 3/16"	-OR-	FLOOR HOLES @ 1/8"	SEAT HOLES @ 1/8"	NO. VENTURES
12-1201	1	120	7.2	2.3	153	24"	18		16	35	4-6
12-2401	1	240	3.8	2.3	144	30"	15		13	27	4-6
12-1202	2	120	9.1	4.1	105	24"	30		45	45	8-10
						30"	26		39	40	6-10
12-2402	2	240	4.1	4.1	97	36"	22		33	36	6-10
						48"	19		27	32	6-10
12-1203	3	120	9.8	4.8	90	24"	33		50	50	8-12
						30"	29		43	44	8-12
						30"	50		13	11	8-15
15-1502	2	150	8.9	4.8	80	34"	22		20	20	8-15
12-1201	1	120	7.2	2.3	153	24"	18		16	35	4-6
12-2401	1	240	3.8	2.3	144	30"	15		13	27	4-6

# Draw your own conclusions.

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C. The gasket seal is watertight.

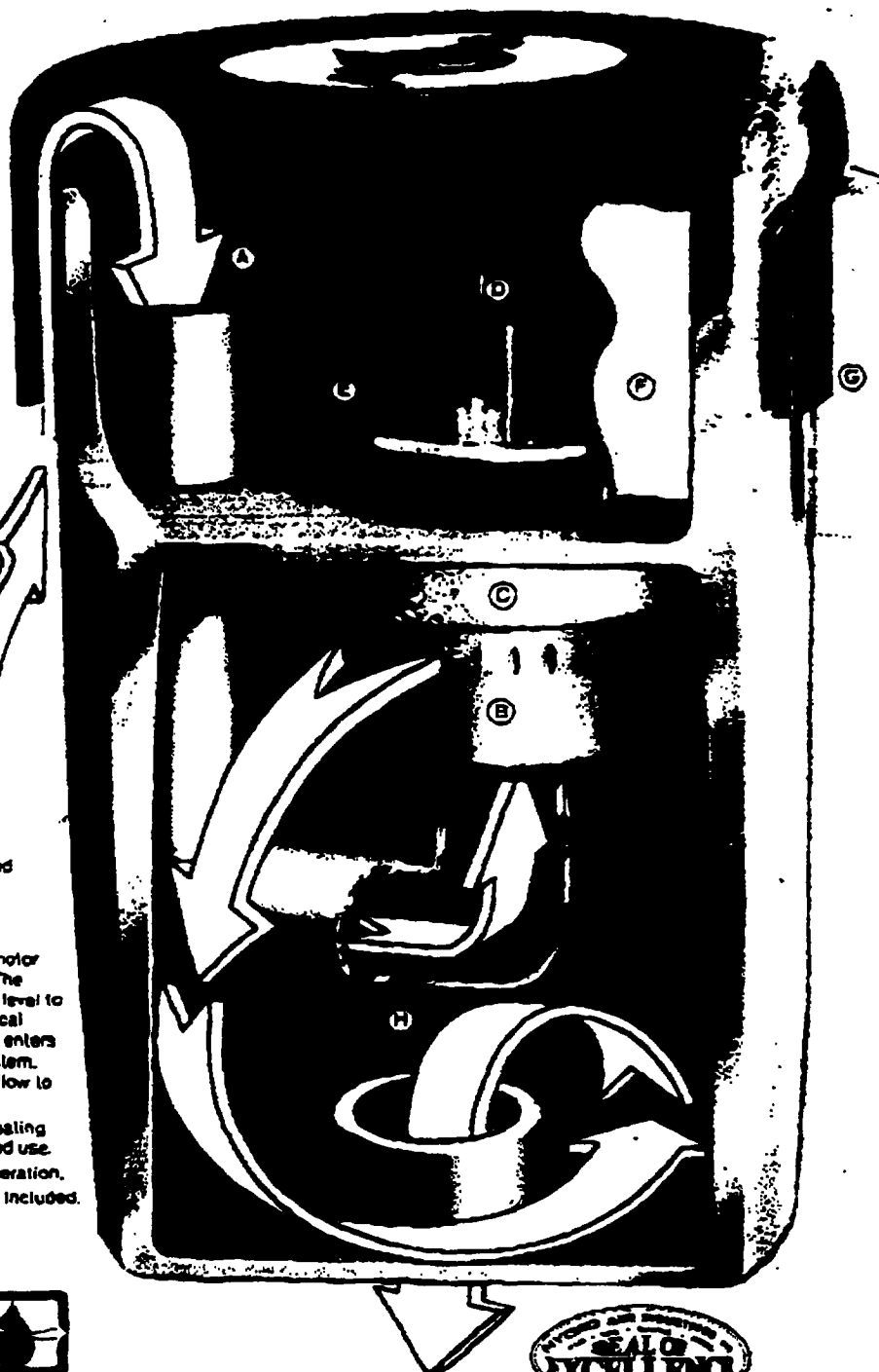
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E. Thermal overload protection prevents overheating or damage to the unit during long runs and extended use.

F. Acoustical foam insulation ensures quiet operation.

G. Junction box, switch, and clear Lexan cover included.

H. Side installation option.



THE NEW IDEA COMPANY

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1317 W. GROVE AVE., ORANGE, CA 92665 (714) 974-1920

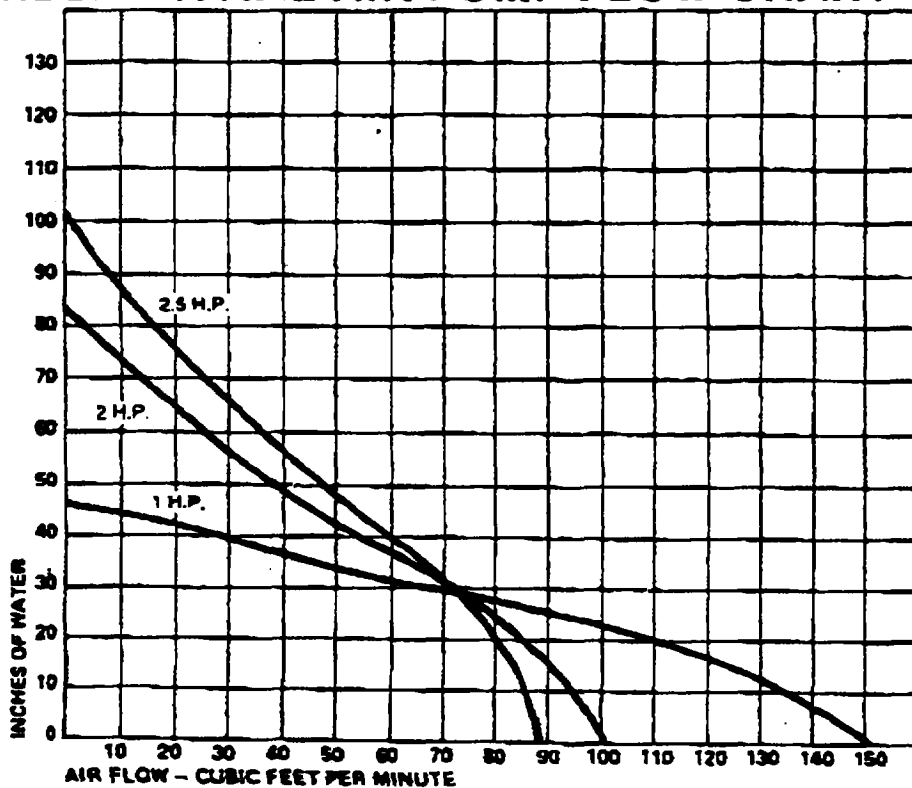


**MARIAH AIR PUMP SIZING CHART**

MODEL NO.	STAGES	VOLTS	MAX. AMPS	MAX. PSI	MAX. CFM	WATER DEPTH	FLOOR HOLES @ 3/16"	-OR- FLOOR HOLES @ 1/8"	SEAT HOLES @ 1/8"	NO. VENTURIS
12-1201	1	120	7.2	2.3	153	24"	18	16	35	4-6
12-2401	1	240	3.8	2.3	144	30"	15	13	27	4-6
12-1202	2	120	9.1	4.1	105	24"	30	45	45	6-10
						30"	26	39	40	6-10
12-2402	2	240	4.1	4.1	97	36"	22	33	36	6-10
						48"	19	27	32	6-10
12-1203	3	120	9.8	4.8	90	24"	33	50	50	8-12
						30"	29	43	44	8-12
12-2403	3	240	4.3	4.8	86	36"	25	36	40	8-12
						48"	21	30	35	8-12

- 1) CALCULATIONS ARE FOR A 25' RUN USING 1 1/4" PVC PIPE AND TWO (2) NINETY DEGREE ANGLES. FOR LONGER RUNS, DECREASE QUANTITY BY 10% FOR EACH ADDITIONAL TEN FEET AND 5% FOR EACH ADDITIONAL NINETY DEGREE ANGLE.
- 2) FOR INCREASED ACTION OR IF MORE HOLES THAN LISTED ARE DRILLED, IT MAY BE NECESSARY TO USE TWO AIR PUMPS.
- 3) CALCULATE DEPTH OF WATER TO HIGHEST LEVEL IN SPA.
- 4) IF FEWER HOLES THAN LISTED ARE DRILLED, THE AIR PUMP WILL STILL FUNCTION AS LONG AS A MINIMUM OF 20 3/16" HOLES ARE DRILLED IN THE FLOOR OR SEAT.

## MARIAH 120/240 VOLT RESIDENTIAL AIR PUMP FLOW CHART



### AIR PUMP USAGE

- 1 H.P. — As an air boost for six (6) jets or for air induction on spas/hot tubs less than 30" deep and 5' x 5' or 25 square feet of surface area.
- 2 H.P. — As an air boost for six (6) to eight (8) jets or for air induction on spas/hot tubs less than 50" deep and 8' x 8' or 70 square feet of surface area.
- 2.5 H.P. — As an air boost for eight (8) to ten (10) jets or for air induction on spas/hot tubs less than 80" deep and 10' x 10' or 100 square feet of surface area.

\*NOTE: If the air line consists of more than thirty five (35) lineal feet of pipe, a larger size air pump should be used.

EXHIBIT 41  
 KB 5/21/96  
 960228006001

## HUNTINGTON BEACH

# Spa Warnings Reiterated Following Girl's Drowning

The weekend drowning of a 12-year-old girl whose hair got sucked into the vent of a hot tub has prompted renewed warnings about the dangers of spas, especially the older single intake-type built before the enactment of safety codes.

"I've seen several of these [accidents] and every one of them happened in an old-style spa," Donald Boland, a spokesman for the Huntington Beach Fire Department, said Monday of the drowning of Sunday. "You remember every one of these, it's not like a car accident. These are the things that stick in your mind."

The accident occurred Sunday night at the home of Sunday's grandparents on [redacted] where she and her parents were visiting from their home in Houston.

The girl was in the spa alone about 8 p.m., Boland said, when her hair was apparently sucked into an intake valve, and she was pulled underwater.

By the time relatives had cut her hair to free her, the fireman said, she had lost consciousness. She later died at a hospital.

The incident closely resembled

another in Villa Park just seven months ago that nearly took the life of the 6-year-old son of former Ram player Greg Meisner. In that case, however, Meisner was able to save the boy's life by wrenching him free of the drain, which left a 10-inch-diameter bruise on the youngster's back.

The drowning of a 9-year-old boy in 1976 prompted county officials to begin requiring two vents rather than one in all spas built in unincorporated areas. Designing spas with two vents, said Larry Nees, manager of building inspections for Orange County, significantly decreases the amount of suction in each one.

The county also began requiring that vents be covered and constructed in a manner designed to prevent hair or body parts from being pulled in.

Huntington Beach, where Sunday's drowning occurred, eventually adopted similar standards, said Bill Grove, the city's inspection manager, but not in time to affect construction of the spa in which Sunday's accident occurred.

—DAVID HALDANE

received the  
 Distinguished Service  
 Medal

Schoen, 31, was honored for catching a fleeing suspect who allegedly fired a handgun at another officer but failed to hit him.

Officers learned later that the suspect was a parolee who had been involved in a gun battle with Los Angeles County sheriff's deputies in 1990.

Rudolf, 30, and Hunter, 32, were honored for their efforts in breaking up a ring of robbers who stole from plane delivery people. Posing as plane delivery men, the officers were dispatched to a residence in the 200 block of West Valencia Drive, where they were confronted by two men who tried to rob them and fired several gun shots at Rudolf.

The two officers, who were not injured, returned fire. The suspects fled but later were arrested.

Potts, 33, was praised for his efforts, both on and off duty, in presenting training programs for fellow officers and the Special Weapons and Tactics (SWAT) Team.

## COUNTYWIDE

## Cypress College Cites Couple for Generosity

Business owners Lew and Margaret Webb are Cypress College's American Man and Woman of the Year.

The Webbs, who operate eight car dealerships in Orange and Los Angeles counties, were honored by the college for their work in several service organizations and for their financial support of community groups.

Recipients of the Laguna Hills couple's generosity include the American Cancer Society, St. Mary Medical Center Foundation, Casa Youth Shelter and Mission Hills Church.

—by [redacted]

## Spa Safety

Here are some precautions to keep in mind if you own a spa:

- Avoid problems with a single drain by installing a second one to disperse suction.
- Install safety covers on flat drains.
- Instruct anyone with long hair not to get it near a drain, and tell anyone who uses your spa not to stick fingers, toes or other body parts into drain.
- Place power switch nearby so it can be reached quickly in case of emergency.
- If your spa is indoors, lock the door to the room or use a cover that locks.
- Closely supervise children, even if they know how to swim.
- If you are concerned about a spa's safety, check with a building inspector.
- For more information, call the Orange County chapter of the National Spa and Pool Institute, (714) 832-1113.

Source: National Spa and Pool Institute; Children's Hospital of Orange County

HUNTINGTON BEACH POLICE DEPARTMENT  
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

Code Offense                      Description  
                                    - DEATH REPORT

Date Occurred: SUN 02/25/96 at 19:30  
Or Between: SUN 02/25/96 at 20:10  
Discovered: SUN 02/25/96 at 20:10  
Reported: SUN 02/25/96 at 20:10

Location: XXXXXXXXXX

At or Near:

Name of Place:

RD: 155

Beat: 10

## CRIME SCENE INVESTIGATION |

CSI Conducted: Y by L. DZIEDZIC

PIN 0677

## INVESTIGATIVE ANALYSIS |

Is there a witness ? Y  
Was there an arrest(s) ? N  
Can the suspect vehicle be identified ? N  
Was there significant or serious injury ? Y  
Is there identifiable stolen property ? N      Are there any ID numbers ?  
Is there significant Modus Operandi ? Y  
Is there significant Physical Evidence ? Y  
Is there good probability of solution ? N  
Is this a continuing problem ? N  
Has any associated Stolen Vehicle  
or Bike report been completed ? N

Officer A. GREENBURG

PIN 1061

Supervisor [Signature]

Page 1

Date 5/26/96

TYPED BY: P. BROWN /420805  
HBPD FORM OFFENSE (rev. 12/91)

96-004443  
printed on 02/26/96 at 12:14

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HUNTINGTON BEACH POLICE DEPARTMENT  
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

## PERSONS INVOLVED|

## Involvement: VICTIM

Name: [REDACTED] Sex: F Race: [REDACTED]  
DOB: 06/22/83 Age Range: [REDACTED]  
Address: [REDACTED] HOUSTON TX 77080  
Home Phone: [REDACTED] Work Phone: [REDACTED]  
Occupation: STUDENT Employed by: [REDACTED]  
Employer Address: [REDACTED]  
Relationship: [REDACTED] Interviewed? [REDACTED] Can ID? [REDACTED] Support Prosecution? [REDACTED]

## Involvement: FINDER

Name: [REDACTED] Sex: M Race: [REDACTED]  
DOB: 04/14/62 Age Range: [REDACTED]  
Address: [REDACTED] HOUSTON TX 77080  
Home Phone: [REDACTED] Work Phone: [REDACTED]  
Occupation: [REDACTED] Employed by: [REDACTED]  
Employer Address: [REDACTED]  
Relationship: [REDACTED] Interviewed? Y Can ID? [REDACTED] Support Prosecution? [REDACTED]

## Involvement: WITNESS

Name: [REDACTED] Sex: M Race: [REDACTED]  
DOB: 11/06/43 Age Range: [REDACTED]  
Address: [REDACTED] HUNTINGTON BEACH CA 92649  
Home Phone: [REDACTED] Work Phone: [REDACTED]  
Occupation: CAR SALESMAN Employed by: [REDACTED]  
Employer Address: [REDACTED]  
Relationship: [REDACTED] Interviewed? Y Can ID? [REDACTED] Support Prosecution? [REDACTED]

## Details:

PROPERTY: See evidence report, same DR number.

On 02-25-96, at 2011 hours, I received a call of a possible child drowning at [REDACTED]. I was approximately two blocks from the location when I received the call and responded code 3. I arrived at [REDACTED] less than one minute after I was dispatched.

Upon my arrival, I was directed to the rear yard of [REDACTED]. As I ran into the rear yard, I saw [REDACTED] lying on the wood deck adjacent to an in-ground jacuzzi. [REDACTED] was lying on the ground, on her back, with her head in an easterly direction. I saw her father, [REDACTED], leaning over [REDACTED] doing CPR. I also saw a female doing compressions on [REDACTED]. This female was identified by Officer [REDACTED], see his supplemental report for details.

Officer A. GREENBURG

PIN 1061

Supervisor [REDACTED]

Page 2

Date [REDACTED]

TYPED BY: P. BROWN /420805

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HUNTINGTON BEACH POLICE DEPARTMENT  
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

As I approached [REDACTED], I noticed that she was blue in color. I checked and saw that she was not breathing and had no pulse. I also noted that [REDACTED] had vomited.

I then removed my portable CPR mask which I carry on my person and cleared [REDACTED]'s airway and relieved [REDACTED] from doing CPR on his daughter. I continued to do two person CPR with the female that was already doing the chest compressions. I continued the CPR until Huntington Beach Medic Engine #48 arrived. I then continued to assist Huntington Beach Medic Engine #48 with CPR, until Huntington Beach Ambulance #42 transported [REDACTED] to Huntington Beach Medical Center.

After [REDACTED] was transported to Huntington Beach Medical Center, I walked back into the backyard and examined the jacuzzi area. I saw that the jacuzzi was an approximate 7 foot octagon shaped in-ground jacuzzi, with a wood deck around it. I noticed that the jacuzzi cover was lying on the wood deck, just west of the jacuzzi. I also noticed that the jacuzzi light was on, but the jets had been turned off. I looked inside the jacuzzi and saw a pair of scissors with orange handles resting on the seat at the east end of the jacuzzi. I then noticed a large mass of brown hair stuck in what looked like a drain cover, also on the east wall of the jacuzzi, below the seat, approximately one foot from the bottom of the jacuzzi. For further details, refer to CSI report and additional supplemental reports by other officers who responded to the location.

I then spoke with [REDACTED] the father of [REDACTED].

[REDACTED] told me that he and [REDACTED] live in Houston Texas and are in Huntington Beach on vacation, staying with [REDACTED] parent's, [REDACTED] grand-parents at [REDACTED] in Huntington Beach, phone number [REDACTED].

[REDACTED] told me that on 02-25-96, between 1930 hours and 1945 hours, he was unsure of the exact time, [REDACTED] had just finished dinner and asked if she could take a jacuzzi. [REDACTED] said that his stepfather, [REDACTED], then went into the backyard and removed the cover of the jacuzzi and turned the jacuzzi heater on for [REDACTED].

[REDACTED] said approximately 30 minutes later, around 8 PM, his mother, [REDACTED], asked where [REDACTED] was and said that she was not in the jacuzzi. [REDACTED] and [REDACTED] then went out, checked the jacuzzi and the backyard for [REDACTED] while [REDACTED] walked out to the front yard and checked the front yard for [REDACTED]'s whereabouts. [REDACTED]

Officer A. GREENBURG

PIN 1061

Supervisor

Page 3

Date

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HUNTINGTON BEACH POLICE DEPARTMENT  
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

██████████ told me that he then went back inside the house and checked the entire interior of the house for ██████████. Unable to find her, he decided to go out into the backyard and double check the jacuzzi for ██████████.

He walked back in the backyard again, this time with his stepfather, ██████████. ██████████ turned on the jacuzzi light, at which time ██████████ noticed Krista HUMPHREY face up in the bottom of the jacuzzi with her head pointed in an easterly direction. ██████████ said he tried to pull ██████████ out of the pool, but was unable to due to the fact that her hair was caught in the drain of the jacuzzi. He then yelled for someone to get him a pair of scissors. ██████████ brought ██████████ the scissors, at which time ██████████ cut ██████████'s hair in order to retrieve ██████████ from the pool. Once out of the pool, ██████████ immediately started CPR on ██████████. ██████████ continued CPR until I relieved him and continued the CPR myself.

I then spoke with ██████████, the step-grandfather of ██████████.

██████████ told me that on 02-25-96, around 1930 hours, he was unsure of the exact time, he had just finished dinner and went to play cards with ██████████ and other family members who were at his house located at ██████████. Approximately ten minutes after he started to play cards, he was unsure of the time, he believes it was around 7:30 PM, ██████████ asked ██████████ if he would turn on the jacuzzi for her so she could take a jacuzzi. ██████████ said yes to ██████████ and walked out to the backyard, removed the jacuzzi cover from the jacuzzi and turned on the jacuzzi heater, filter, lights and jacuzzi bubble jets. He then went back inside and asked ██████████ if ██████████ would be okay alone in the jacuzzi. ██████████ told ██████████, yes, she'll be fine in the jacuzzi. ██████████ and ██████████ then continued their card game.

Approximately 20 minutes after ██████████ turned on the jacuzzi for ██████████'s wife, ██████████ left the card table and went to the restroom. When she came from the restroom, she said Krista is not in the jacuzzi. ██████████ told me that ██████████, ██████████, and himself talked for about 5 minutes at the card table about where ██████████ could be.

██████████ then walked out to the front yard and checked the front yard for ██████████. While ██████████ and ██████████ checked the entire inside of the house, then checked the backyard and jacuzzi for ██████████. ██████████ told me that he and his wife, ██████████, walked in the backyard to the jacuzzi, looked into the jacuzzi and noticed that the light of the jacuzzi was on and the jacuzzi bubble jets were on. ██████████ turned off the jacuzzi bubble jets and looked back into the jacuzzi and still did not see ██████████ inside the

Officer A. GREENBURG

PIN 1061

Supervisor

Page 4

Date

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HUNTINGTON BEACH POLICE DEPARTMENT  
CASUALTY REPORT

Date of Report: 02/25/96

DR Number 96-004443

jacuzzi. [REDACTED] and [REDACTED] then went back into the house.

As [REDACTED] walked back to the house, [REDACTED] had returned from the front yard and decided to double check his backyard. [REDACTED] asked [REDACTED] if he was sure that [REDACTED] was not in the jacuzzi and Michael [REDACTED] said, yes. [REDACTED] then walked over to the jacuzzi and yelled that he had found [REDACTED]. [REDACTED] looked outside the backyard and saw [REDACTED] try to pull [REDACTED] out of the jacuzzi. He noticed that [REDACTED]'s hair was stuck in the drain at the east end of the jacuzzi. [REDACTED] then yelled for someone to bring him a pair of scissors, at which time [REDACTED] ran inside, retrieved a pair of scissors and brought them to [REDACTED]. [REDACTED] then used the scissors to cut [REDACTED] hair, enabling him to remove [REDACTED] from the jacuzzi.

[REDACTED] told me that once [REDACTED] removed [REDACTED] from the jacuzzi, he laid her on the deck, next to the pool, and immediately started CPR, at which time his neighbor, a nurse from across the street by the name of [REDACTED], came over to the house and assisted [REDACTED] with CPR. For further details regarding the interview of [REDACTED], refer to Officer MARTIN's supplemental report.

Officer MARTIN, Officer COTTRIEL and Officer KLEMKE then drove to Huntington Beach Medical Center to conduct a follow-up investigation. For further details, refer to their supplemental reports.

No further investigation was conducted by me at this time.

Officer A. GREENBURG

PIN 1061

Supervisor

Page 5

Date

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ClearingHouse Format  
Death Certificate File  
Not All States Reporting during Entire Period  
U.S. Consumer Product Safety Commission  
National Injury Information Clearing House

12/16/96  
Page 1

Lot Number : 96044 Task Number :

Document Number : 9530004519

Age : 6

External Cause : 9138

Prod1 : 837 WIRE, NOT SPECIFIED

Date Of Death : 08/18/95

Prod 2 : 0 NO SECOND PRODUCT INVOLVEMENT

Date of Accident : 08/18/95

Sex : MALE

Date Entered : 08/09/96

Race : WHITE

State: MT

Workrel : N

Location : HOME

City : LEWISTOWN

Zip : 59457

Narrative :

PLAYING IN A TREE FELL WITH CORD AROUND HIS NECK - STRANGULATION;  
ACCIDENT - AUTOPSY NO

Lot Number : 96044 Task Number : 960821CAA5543

Document Number : 9530004555

Age : 10

External Cause : 9104

Prod1 : 698 WHIRLPOOLS, HOT TUBS OR HOME SPAS

Date Of Death : 08/18/95

Prod 2 : 0 NO SECOND PRODUCT INVOLVEMENT

Date of Accident : 08/18/95

Sex : FEMALE

Date Entered : 08/09/96

Race : WHITE

State: MT

Workrel : N

Location : SPORTS OR RECREATION PLACE

City : WHITEFISH

Zip : 59912

Narrative :

HAIR CAUGHT IN HOT TUB SUCTION DRAIN VENT - DROWNED - AUTOPSY YES

## FIELD ACTIVITY COVERSHEET

1 Region/State  FOWR/SFRO	2 Operation (Check one) <input type="checkbox"/> Inspection <input type="checkbox"/> Telephone contact <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Establishment visit <input checked="" type="checkbox"/> Investigation	3 Date 961024 4 Number 960821CAA5543
5 Establishment Hydro Air Industries 1317 W. Grove Ave. Orange, CA 92865 <div style="text-align: right;">Telephone _____</div>		
6 Related firm <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other		
7 Products covered  suction cover	8 Other consumer products	
9 Establishment Type <input checked="" type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own label distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other _____	10 Annual production Product covered \$ _____ units _____ Other products \$ _____ units _____	
11 IS business % received _____ % shipped _____	12 Samples collected None	13 MIS code 32626
14 Hours      8 Activity      -- hrs Travel      -- hrs		
15 Reason for activity		
16 Announced <input type="checkbox"/> (Rationale for announced inspection) Unannounced <input type="checkbox"/>		
17 Employee's Name James P. DiGrazia	Title	Signature date
18 X Endorsement <input type="checkbox"/> Remarks <input type="checkbox"/> Summary <input type="checkbox"/> Other _____  IDI conducted in response to a death certificate associated with a hot tub. A ten year old female drowned in a hot tub when her hair became entangled in a suction cover. We were unable to establish when the hot tub was built but did obtain full identification of the suction cover. It does not appear to one that was designed to prevent hair entrapment. Suggest continued efforts to replace these older covers with ones that meet the ASME standard for anti-hair entrapment.		
19 Reviewer's Name James P. DiGrazia	Title Supervisory Investigator	Signature
20 Review Date 961024	21 Distribution O: EHDS cc's: CCA [Hayes]; SFRO      cc c/s: LDB/LGC	

Enh # 1 960821CAA 554

Flathead County Sheriff Office  
Coroner Report

Coroner: Brock Wilson Case No: 95-9764  
Dispatch Time: 13:40 Arrival Time: 13:54 Report Date: 08/18/95  
=== Coroner === Page: 1 ===

Name: Last First Middle FCH ID#  
DOB: 12/05/1984 Sex: F Race: W Age: 10 SSN: - -  
Address: Phone: -  
City: COL FALLS State: MT Zip Code: -  
Occupation: STUDENT Employer:

Date of Death: 08/18/95 Estimated Time of Death: 11:56  
Pronounced Date: 08/18/95 Pronounced Time: 13:27  
Location of Death: NORTH VALLEY HOSPITAL

Funeral Home: JOHNSONS Family: or Rotation: X

Person Discovering Body: Time: 11:55  
Address: MT 59937-  
Phone:

	Medication	Prescr. #	Physician	Pharmacy	Phone	Issued
1.					- -	/ /
2.					- -	/ /
3.					- -	/ /
4.					- -	/ /
5.					- -	/ /
6.					- -	/ /

Personal Effects: Cash: \$ 0.00 Secured By:  
Secured at Home? N  
Left at Funeral Home? F  
Secured at S.O.? N

Released? N To Whom:  
Address: -

Released By: B. [Signature]

Flathead County Sheriff Office  
Coroner Report

Case No: 95-9764

Report Date: 08/18/95

== Coroner == Page: 2 ==

Cause of Death:

1. PENDING AUTOPSY
- 2.
- 3.
- 4.

Manner of Death:

Natural:                      Homicide:  
Suicide:                      Accident: X  
Pending Investigation:

Autopsy? Y

Notified: 08/18/95

Pathologist: DR KELLENBERGER

Time: 18:00

Coroner Present? N

Location of Autopsy: JOHNSON MORTUARY

Inquest? N

Investigator: MERICAL 7-16

Department: FCSO

Notified: 13:55 hrs.

Arrival: 14:35 hrs.

Report? Y

Photos? Y

Identified By: MOTHER

Name:

Phone: - -

Address: , -

Next of Kin: MOTHER

Name:

Address: COLUMBIA FALLS, MT -

Notified By: ON SCENE

Notified Date: / /

Time: :

Copied By: \_\_\_\_\_ E/MUCR: \_\_\_\_\_ Filed By: \_\_\_\_\_

Dissemination (Y/N):

CATTY: Y

St. Med Exam: Y

Other:

Signed By: Bullock 7-4  
Coroner



Flathead County Sheriff Office  
Coroner Report

Case No: 95-9764

Report Date: 08/18/95

=== Narrative ===== Page: 4 =====

Deceased 10 yr old [REDACTED] and her friend [REDACTED] who is 7 yrs old had gone to the pool and hot tub area at Anapurna Properties on the Big Mt., north of Whitefish. [REDACTED]'s mother [REDACTED] works at Anapurna and she and Mrs. [REDACTED] were in the other building. [REDACTED] and [REDACTED] were in the hot tub when [REDACTED] decided to go completely under water. She apparently did this a couple times and then did not surface.

[REDACTED] pulled on [REDACTED] once, thinking she was playing around, telling her to "quit goofing around and come up". [REDACTED] was observed in the hot tub by [REDACTED], an employee of Anapurna, and heard her talking to someone under water. He observed [REDACTED] and attempted to pull her out, but was unable to do so. He ran to shut off the pump and was joined by [REDACTED] from Flathead Mech., who went into the tub and attempted to pull [REDACTED] up. Realizing her hair had been sucked into the pump suction vent, he pulled her hair loose, breaking the plastic vent grate, which remained in her hair.

CPR was started, and Whitefish ambulance responded along with ALS from North Valley Hospital. [REDACTED] was transported to North Valley Hospital, and was attended to by Dr. Vaught in the ER. Efforts to revive her were unsuccessful and she was pronounced at 1327hrs.

Death appears to be caused from drowning, due to the victim's long hair becoming drawn in to the suction pipe in the hot tub. However there is no sign victim attempted to struggle to get free.

There was no loose hair in the filters or skimmers when checked by Det. Merical. There were also no indications from victim's fingernails that she had clawed at the tub or vent grate in a attempt to get free.

[REDACTED]'s hair was between two and two and one half feet long from crown and went down past her shoulders. The flow rate in the hot tub vent was 60 gallons per minute. Temperature in the hot tub was approximately 101 degrees F. The tub had been drained prior to Det. Merical arriving on the scene.

No suspicious circumstances surrounding the death, with exception of lack of evidence to suggest victim attempted to get free. Per autopsy, cause of death is drowning, manner is accidental.

NOTE: Vent grate is in evidence at FCSO Lab.

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STATE OF MONTANA  
DIVISION OF FORENSIC SCIENCE  
DEPARTMENT OF JUSTICE  
Broadway Building—Sixth Floor 554 West Broadway  
Missoula, Montana 59802 (406) 728-4970

# CORONER'S REPORT FORM

Case # 95-9764  
Autopsy # \_\_\_\_\_  
MDFS # \_\_\_\_\_

SUBMITTING AGENCY: FLATHEAD COUNTY SHERIFF/CORONER

County: FLATHEAD Coroner/Deputy: Brock Wilson

DECEDENT: (Full Given Name) [REDACTED]

Address: [REDACTED] COL FALLS, MT

D.O.B.: 12/05/1984 Sex: ☐ M ☒ F Race: ☒ White ☐ Hispanic ☐ Native American

Occupation: \_\_\_\_\_ ☐ Black ☐ Asian ☐ Unknown

DATE & TIME LAST SEEN ALIVE ☐; OR IF KNOWN DATE & TIME OF DEATH ☒ 08/18/95 13:27

DATE & TIME FOUND IF TIME OF DEATH UNKNOWN: \_\_\_\_\_

PLACE OF DEATH: NORTH VALLEY HOSPITAL

IF DEATH IN HOSPITAL, DATE & TIME ADMITTED: 08/18/95 12:16 Dr's Name: \_\_\_\_\_

AUTOPSY: ☒ Y ☐ N If YES, by Dr. DR KELLEBERGER DR RODNEY VAUGHT

TOXICOLOGY SPECIMENS TAKEN? ☐ Y ☒ N If YES, check which: ☐ Blood ☐ Vitreous ☐ Urine

FINGERPRINTS TAKEN? ☐ Y ☒ N PHOTOGRAPHS TAKEN? ☒ Y ☐ N ☐ Scene ☐ Autopsy

DEATH CERTIFICATE (D.C.) CERTIFIED BY ☒ Coroner/Deputy WILSON OR ☐ Dr. \_\_\_\_\_

CAUSE OF DEATH (As appears on D.C.) PENDING AUTOPSY ☐ Pending

MANNER OF DEATH: ☐ Pending ☒ Accident ☐ Homicide ☐ Suicide ☐ Undetermined ☐ Natural

DETAILS SURROUNDING DEATH: (Describe below or check ☒ if report attached. If applicable please include past medical history; i.e. heart disease, hypertension, diabetes, alcohol abuse, seizures, etc., and current medications.)

See Attached Report

Signature: \_\_\_\_\_

Coroner/Deputy

134

Exh + 2 964821CAA554



**KALISPELL REGIONAL HOSPITAL**

"We care for your health."

**Autopsy A-95-22**

**Deceased:**

[REDACTED]

Age: 10 years  
Date/Time of Autopsy: August 19, 1995, 1000 hours  
Place of Autopsy: Johnson Funeral Home, Kalispell, Montana  
Autopsy Requested By: Flathead County Coroner, Deputy Brock Wilson

**FINAL DIAGNOSES:**

**RESPIRATORY SYSTEM:**

Lungs - Aspiration of Foreign Material - Probable Agonal

**INTEGUMENTARY SYSTEM:**

Hair - Head - Entangled Foreign Body - Drain Guard  
Scalp - Subgaleal Hemorrhage - Recent

**BODY AS A WHOLE:**

Drowning - Accidental

*R. E. Kellenberger*  
R. E. Kellenberger, M.D.  
Pathologist  
10/06/95

GENERAL: The body is that of a well developed, well nourished, Caucasian female who appears to be near the stated age of 10. There are numerous signs of attempts at cardiac resuscitation. There is a gastric tube in place and a nasal tracheal tube as well as an indwelling catheter in the bladder. There are electrode plates on the right and left upper anterior thorax. There is an indwelling catheter in the right antecubital fossa. There are recent needle marks in both inguinal areas. There is a recent and sutured incision on the left lateral chest following the course between the seventh and eighth ribs. This incision measures 16 cm in length.

The patient has a luxuriant amount of hair and entangled within this hair is a plastic object. When removed, this is seen to be circular in shape, broken into two parts and measures approximately 14.5 cm in diameter. This object has numerous holes and is consistent with a drain guard.

The pupils are round, regular and equal. The lips are edematous and the tongue is clenched between the teeth. There is some fresh blood exuding from the nostrils.

The body is unembalmed and otherwise normal.

PRIMARY INCISION: The usual Y-shaped incision is made. Underlying the previously noted thoracic incision, there is mechanical separation of the seventh and eighth ribs. Underlying this area is noted a 6 cm linear defect in the anterior portion of the left leaf of the diaphragm with exposure of the stomach. The abdominal cavity, pericardial cavity and the pleural spaces are otherwise normal.

CARDIOVASCULAR SYSTEM: The heart weighs 270 grams. There are petechial hemorrhages on the surface of the posterolateral portion of the left ventricle. The heart is otherwise normal as are the aorta, great veins and the pulmonary arteries.

RESPIRATORY SYSTEM: The tip of the nasal tube lies in the upper portion of the mainstem bronchus. The arytenoid soft tissue is somewhat edematous and the surrounding mucosa is somewhat hemorrhagic. The mainstem bronchi and its branches are normal. The lungs are fully expanded. There are petechial hemorrhages on the pleural surfaces. On cut section, there is marked acute congestion but the lungs are otherwise normal.

GASTROINTESTINAL TRACT: The bulb of the gastrointestinal tube is distended and lies in the mid-esophagus. The surrounding mucosa is somewhat hemorrhagic. The stomach, small and large bowel as well as the appendix are normal.

LIVER, BILIARY SYSTEM AND PANCREAS: The liver externally and on cut section is normal. The gallbladder and extrahepatic biliary system are normal. The pancreas is normal.

HEMATOPOIETIC SYSTEM: The spleen externally and on cut section is normal. The lymph nodes of the mediastinum and mesentery appear normal.

ENDOCRINE SYSTEM: The thymus weighs 76 grams. This shows numerous petechial hemorrhages and there are focal areas of interstitial hemorrhage. The thyroid externally and on cut section is normal. The adrenals are present bilaterally. Externally and on cut section, these are normal. The pituitary is grossly normal.

GENITOURINARY SYSTEM: The kidneys are present bilaterally. Externally and on cut section, these are normal. The ureters are normal. The bladder contains the tip of the catheter and is otherwise normal. The internal female organs are normal for an individual of this age.

HEAD: The scalp is of normal thickness and strips from the calvarium with ease. There is noted subgaleal hemorrhage of recent origin, most marked at the vertex. The calvarium is otherwise normal, without evidence of fractures. Upon removal of the calvarium, the underlying meninges appear normal.

CENTRAL NERVOUS SYSTEM: The brain externally and on cut section appears normal.

#### MICROSCOPIC:

Sections of lung show acute congestion, edema and foreign material in the alveoli. Vegetable fibers are noted.

Some sections (e.g. heart and thymus) show interstitial hemorrhage of recent origin without a cellular reaction or degeneration of the red blood cells.

All other sections are normal without evidence of pre-existing organic disease. These include trachea, heart, esophagus, pylorus, appendix, liver, pancreas, spleen, thymus, thyroid, adrenal, pituitary, skeletal muscle, kidney, ovary, uterus, cerebrum, basal ganglion, hippocampus, cerebellum, medulla, spinal cord and pineal.

SUMMARY: This case appears to be one of accidental drowning. No pre-existing disease is found.

MT. JRD 8/20/96  
 ACCIDENT INVESTIGATION REQUEST FORM

CAA X

Document Number

95 30 004 555

Date of Incident

8/18/95

Category I.D.

SECT JH

Follow-Up Requested

Hazard Analysis

Section 15

Type Follow-Up Requested

IDI

Telephone Call

On-Site

Headquarters Contact

Judith Hayes

Assignment Message

Perform IDI of incident involving hair entrapment. Obtain any official medical and/or police reports. Obtain photos of drain cover in incident. Obtain photos of cover if replacement was made of original cover. Obtain size of spa pump. Question length of hair of victim at time of incident.

Person(s) to Contact

Death cert. Officials Only

Guideline

Requested By

Task Number

960821CAA5543

Assigned to

SFOO

Date

8/21/96

MONTANA  
CERTIFICATE OF DEATH

95 004555

Local File Number

State File Number

1. DECEDENT'S NAME (First, Middle, Last) <b>[REDACTED]</b>		SEX <b>FEMALE</b>		DATE OF DEATH (Month, Day, Year) <b>AUGUST 18, 1995</b>	
2. RACE—American Indian, Black, White, or (Specify) <b>White</b>		3. AGE—Last Birthday (Years, Months, Days) <b>10</b>		4. DATE OF BIRTH (Month, Day, Year) <b>December 5, 1984</b>	
5. PLACE OF DEATH (Check only one) HOSPITAL: <input type="checkbox"/> Inpatient <input checked="" type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA FACILITY NAME (If not institution, give street and number) <b>North valley Hospital</b>		6. CITY, TOWN, OR LOCATION OF DEATH <b>Whitefish, MT</b>		7. COUNTY OF DEATH <b>Flathead</b>	
8. BIRTHPLACE (City and State or Foreign Country) <b>Torrance, California</b>		9. MARITAL STATUS <input checked="" type="checkbox"/> Never Married <input type="checkbox"/> Widowed <input type="checkbox"/> Married <input type="checkbox"/> Divorced		10. SURVIVING SPOUSE (If wife, give maiden surname) <b>N/A</b>	
11. SOCIAL SECURITY NUMBER <b>[REDACTED]</b>		12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired) <b>Student</b>		12b. KIND OF BUSINESS/INDUSTRY <b>Student</b>	
13. RESIDENCE—STATE <b>Montana</b>		14a. COUNTY <b>Flathead</b>		14b. CITY, TOWN, OR LOCATION <b>Columbia Falls</b>	
14c. INSIDE CITY LIMITS? (Yes or no) <b>No</b>		14d. ZIP CODE <b>59912</b>		15. DECEDENT'S EDUCATION (Specify only highest grade completed) Elementary/Secondary (1-12) <b>4</b> College (1-4 or 5+) <b></b>	
16. FATHER'S NAME (First, Middle, Last) <b>[REDACTED]</b>		17. MOTHER'S NAME (First, Middle, Maiden Surname) <b>[REDACTED]</b>			
18. INFORMANT'S NAME (Type/Print) <b>Mr. &amp; Mrs. [REDACTED]</b>		19. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) <b>[REDACTED]</b>			
20. METHOD OF DISPOSITION <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify)		21. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place) <b>Fairview Cemetery</b>		22. LOCATION—City or Town, State <b>Kalispell, Montana</b>	
23. SIGNATURE OF FUNERAL SERVICE LICENSEE OR OTHER PERSON IN CHARGE OF DISPOSITION <b>Paul M. Johnson</b>		24. MONTANA LICENSE NUMBER (of Licenses) <b>444</b>		25. NAME AND ADDRESS OF FACILITY <b>Johnson Mortuary, POBox 966 Kalispell, Montana 59903</b>	
26. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. (See Instructions on other side)					
IMMEDIATE CAUSE (Final disease or condition resulting in death)		Drowned			
27. DUE TO (OR AS A CONSEQUENCE OF):		15			
28. DUE TO (OR AS A CONSEQUENCE OF):		10/14			
29. DUE TO (OR AS A CONSEQUENCE OF):					
30. DUE TO (OR AS A CONSEQUENCE OF):					
27. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.					
28. WAS AN AUTOPSY PERFORMED? (Yes or no) <b>Yes</b>		29. WAS CASE REFERRED TO CORONER? (Yes or no) <b>Yes</b>		30. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no) <b>Yes</b>	
31. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Pending Investigation <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Could not be Determined <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide		32. DATE OF INJURY (Month, Day, Year) <b>8-18-95</b>		33. TIME OF INJURY (Hour, Minute) <b>1156</b>	
34. INJURY AT WORK? (Yes or no) <b>No</b>		35. DESCRIBE HOW INJURY OCCURRED <b>hair caught in hot tub suction drain vent</b>		36. LOCATION (Street and Number or Rural Route Number, City or Town, State) <b>Big Mountain, Whitefish, MT</b>	
37. PLACE OF INJURY—At home, farm, street, factory, office, building, or (Specify) <b>Anapurna Properties</b>		38. TO BE COMPLETED BY CERTIFYING PHYSICIAN ONLY. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated.			
39. (Signature and Title) <b>[Signature]</b>		40. (Signature and Title) <b>[Signature]</b>			
41. DATE SIGNED (Month, Day, Year) <b>8-21-95</b>		42. HOUR OF DEATH <b>1156</b>		43. DATE PRONOUNCED DEAD (Month, Day, Year) <b>8-18-95</b>	
44. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print) <b>Brock Wilson, Deputy Coroner, 800 South Main, Kalispell, Montana 59901</b>		45. NAME AND ADDRESS OF CERTIFIER (Physician or Coroner) (Type or Print) <b>Brock Wilson, Deputy Coroner, 800 South Main, Kalispell, Montana 59901</b>			
46. LOCAL REGISTRAR'S SIGNATURE <b>[Signature]</b>		47. DATE FILED (Month, Day, Year) <b>August 21, 1995</b>			

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153

DECEDENT

051

1532

-04

PARENTS

INFORMANT

DISPOSITION

CAUSE OF DEATH

08 112X

18 815

45 937

CERTIFIER

11

13

REGISTRAR

139



**James R. Dupont**  
**Sheriff-Coroner**  
Flathead County  
406-758-5585  
FAX 406-758-5862

September 17, 1996

U.S. Consumer Product Safety Commission  
Western Regional Office  
600 Harrison St., Room 245  
San Francisco, CA 94107-1370

RE: Jessica E. Eisentraut Coroner Report - 95-9764

Enclosed is the coroner and autopsy report of the above subject per your request of September 3, 1996. Included in the report are photographs of the hot tub and the drain. Please advise our Office if you wish copies of these photographs for your records.

There is a \$20 fee for the coroner report copy and an additional fee to have the photographs processed for copies.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Dupont", is written over the printed name.

James R. Dupont  
Sheriff





**James R. Dupont**  
**Sheriff-Coroner**  
Flathead County  
406-758-5585  
FAX 406-758-5862

September 30, 1996

U. S. Consumer Product Safety Commission  
Western Regional Office  
600 Harrison St., Room 245  
San Francisco, CA 94107-1370

RE: Jessica Eisentraut Coroner Report - 95-9764

Enclosed please find the requested photographs regarding the coroner report of the above subject. We are in receipt of your Check #2990 for \$30. Thank you.

The victim's hair was two feet to two and one half feet in length from the crown. The weight of the hair is unknown. There were no markings on the drain as the photographs will show.

Do not hesitate to contact our Office if you have further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "S/R", is written over the printed name.

James R. Dupont  
Sheriff  
Enc.

Exh #3

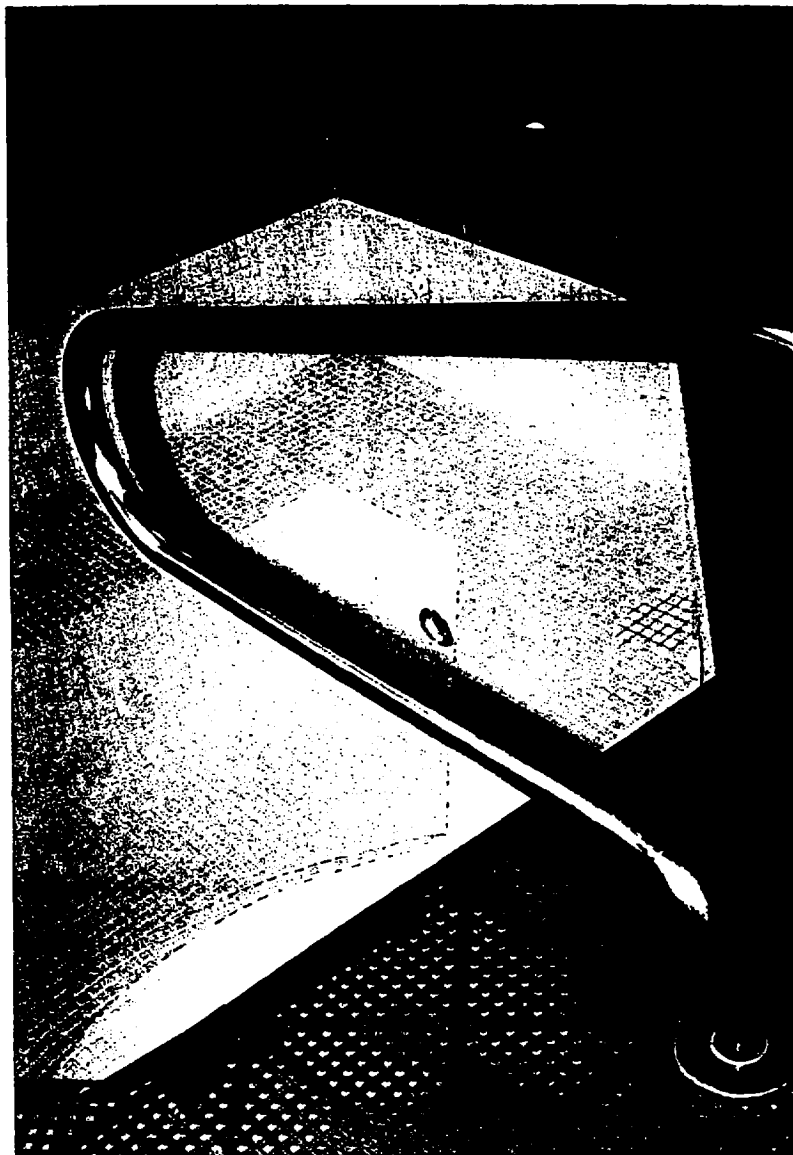


Photo #1: View of hot tub from ground level showing configuration, depth, ledge, drain and hand rail.

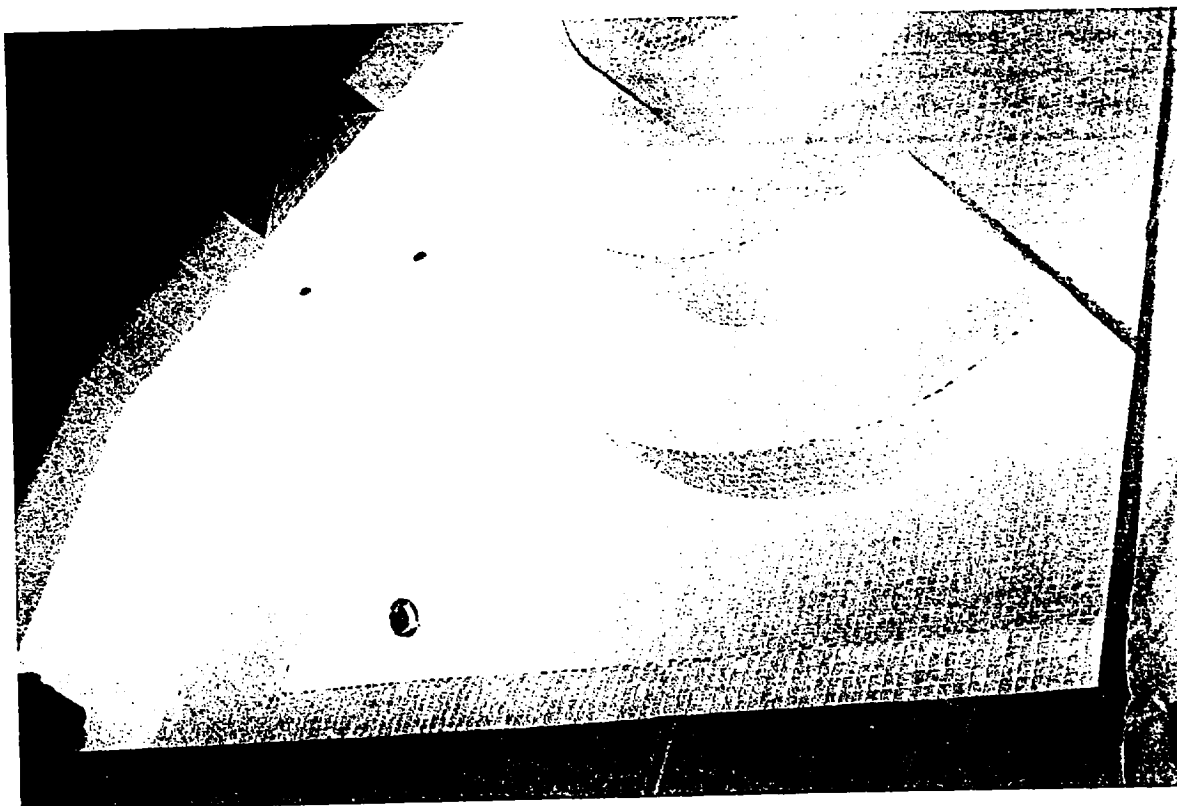


Photo #2: View of hot tub from ground level showing steps and inlets.

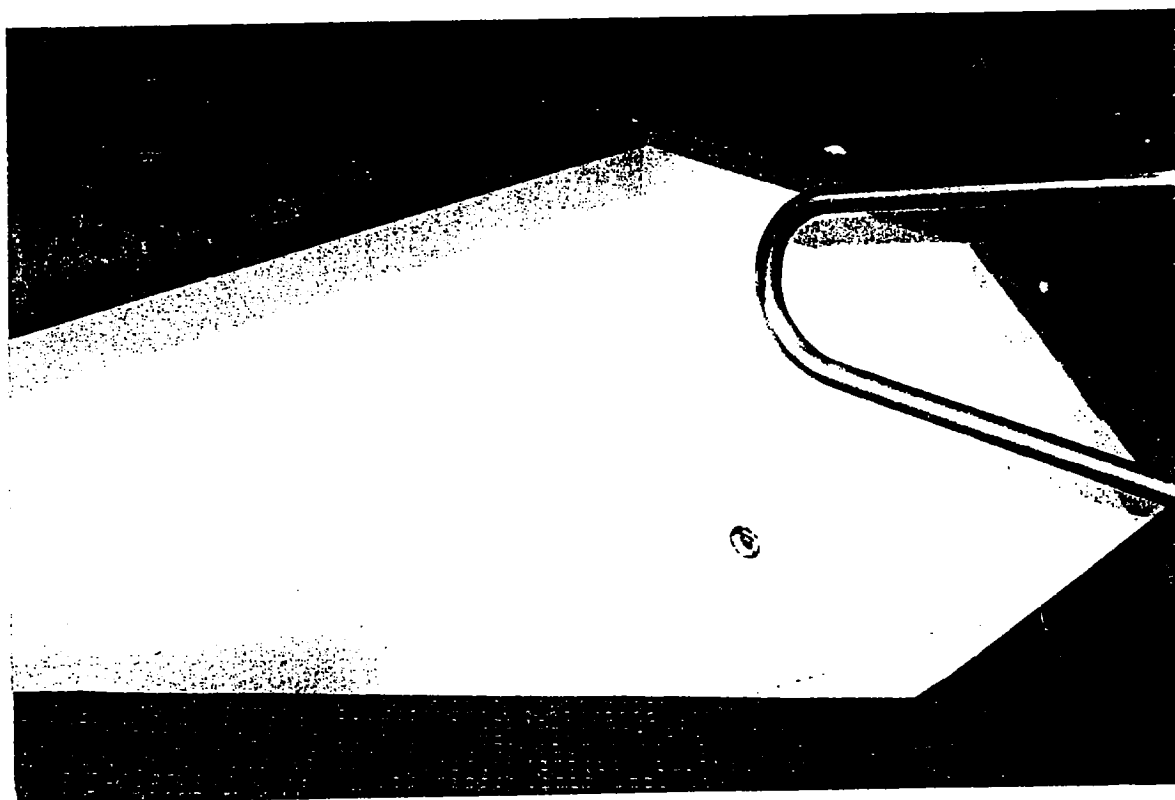


Photo #3: Another view of hot tub.

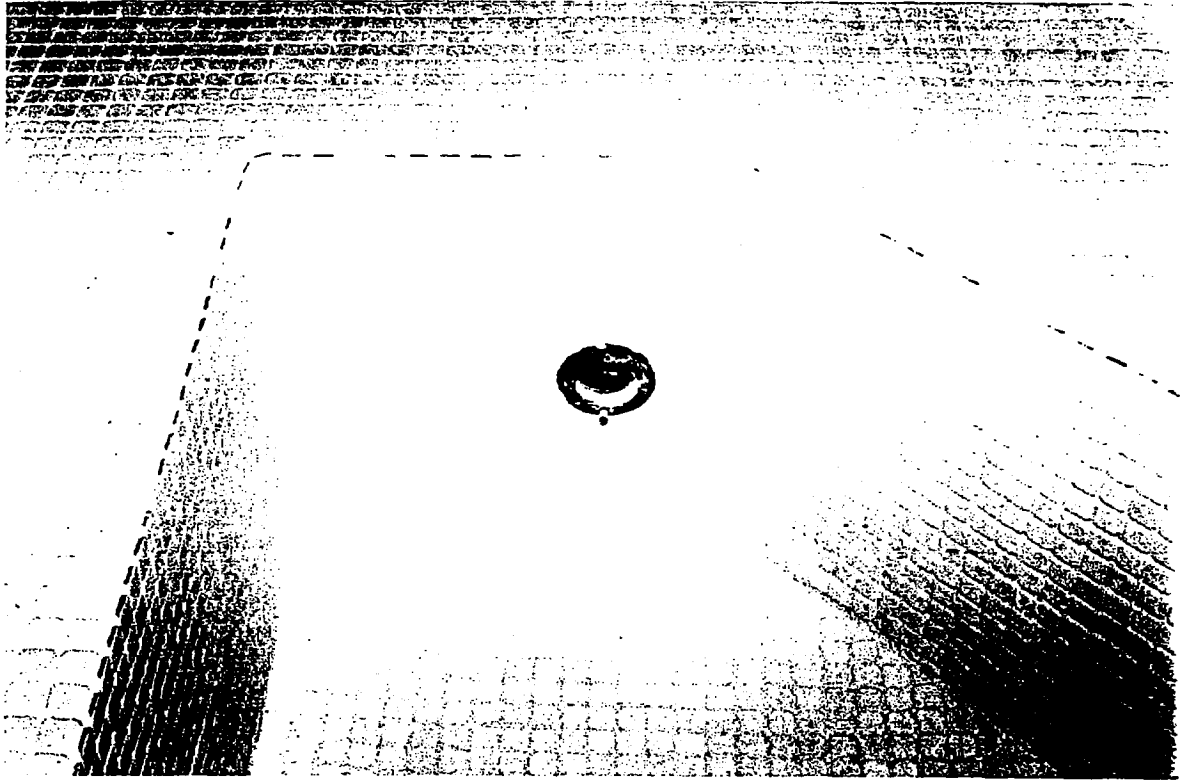


Photo #4: Closer view of floor area, seating ledge and drain.

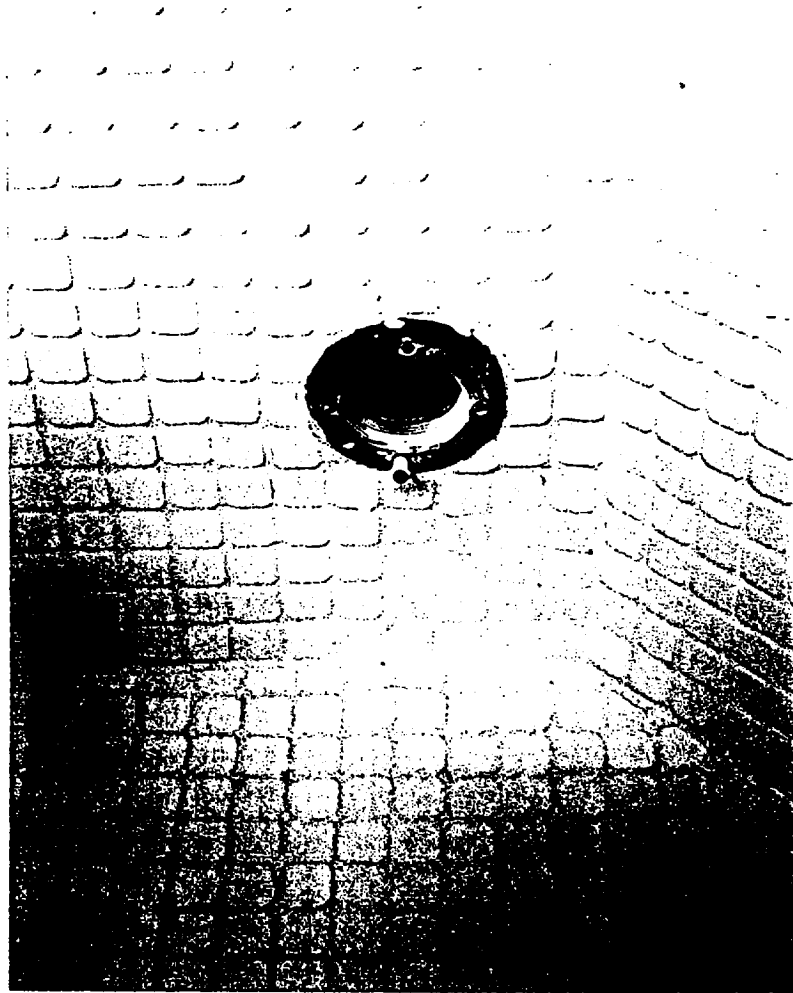


Photo #5: Close up of drain showing remains  
of suction cover.

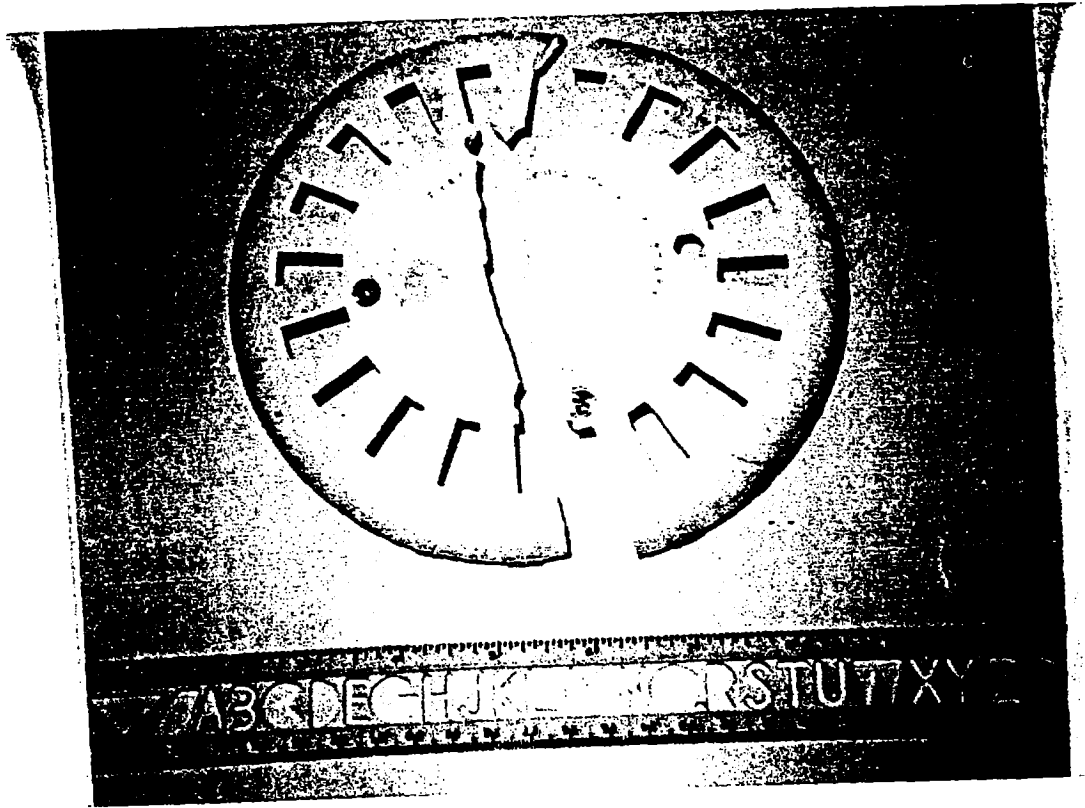


Photo #6: Close up of suction cover.



Photo #7: Victim's hair entangled in suction cover.



Photo #8: Victim's hair entangled in suction cover.

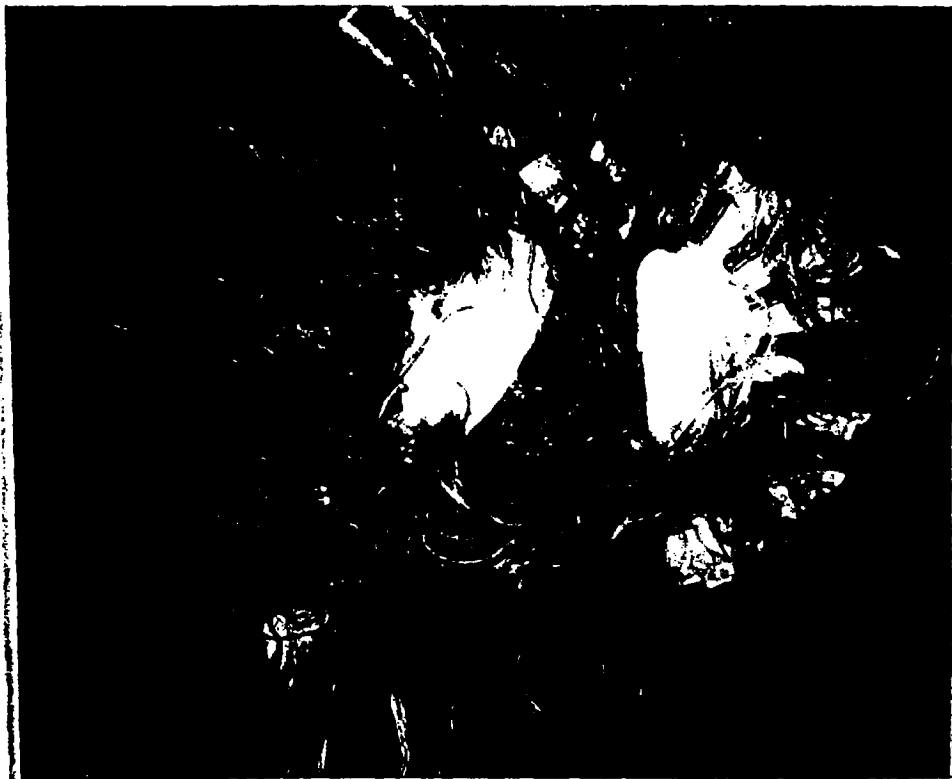


Photo #9: Same as above.

1. CASE NO. 960228CWE6001		2. INVESTIGATOR'S ID [9][0][3][5]		3. OFFICE CODE [8][6][0]		EPIDEMIOLOGIC INVESTIGATION REPORT	
4. DATE OF INCIDENT YR MO DAY [9][6][0][2][2][5]		5. DATE INVESTIGATION INITIATED		YR MO DAY [9][6][0][3][1][9]			
6. SYNOPSIS OF INCIDENT OR COMPLAINT A 12 year old female died from fresh water drowning in the families backyard spa after her shoulder length hair became entrapped in the suction drain cover of the spa.							
7. LOCATION (Home, school, etc.) Backyard [1][1]		8. CITY Huntington Beach			9. STATE CA		
10A. FIRST PRODUCT Home Spa [0][6][9][8]		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Possible Manufacturer is Beachport Spa, No additional information could be obtained					
10B. SECOND PRODUCT Suction Cover [ ][ ][ ]		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Hydro Air, Address unknown.					
12. AGE OF VICTIM [0][1][2]		13. SEX (USE NUMERICAL CODE) MALE - 1 FEMALE - 2 [2] UNKNOWN - 3		14. DISPOSITION Died [8]		15. INJURY DIAGNOSIS Drowning [6][9]	
16. BODY PART [8][5]		17. RESPONDENT(S) (Mother, Friend) Father & Grandfather [2]		18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 [1] OTHER - 3		19. TIME SPENT [2][3].[5]	
20. ATTACHMENTS Multiple [9]		21. CASE SOURCE [0][5]		22. REVIEWED BY [8][0][9][7]		YR MO DAY [9][6][0][4][1][8]	
23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME [ ] CPSC MAY NOT DISCLOSE MY NAME [XX]							
24. NARRATIVE (See Instructions on Page 2)				25. REGIONAL OFFICE DIRECTOR REVIEW DATE			

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IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996  
Page #2

The information contained within this report was provided by the victim's father and grandfather. Additional information was obtained from official reports.

**Pre-Event:**

The victim was described by her father as a healthy and active 12 year old female, who weighed 91 pounds and was 61" tall. According to the victim's father his daughter loved the water and was a very good swimmer. The victim had lived in Hawaii for eight years, during which time she snorkeled and swam in the ocean. She also swam in swimming pools, and had been in various spas and hot tubs. The victim and her father had been residing in another state and were vacationing at the home of the victim's grandparents in California.

The victim had straight blond hair which was just past her shoulders. The father said that her hair was fine but she had lots of it.

According to the victim's grandfather when he purchased his residence two years ago there was a fiberglass spa in the backyard. The spa was similar in looks and design to a portable unit except that it was recessed into the ground and surrounded by a wooden deck, photographs #1-8, exhibit #8. The mechanical units (filter, pumps, heater) were located approximately 23 feet from the unit. An "L" shaped wooden fence partially obstructed the view of these components, photograph #2, exhibit #8. The spa was seldom used by the victim's grandparents, and did not require any professional servicing or repairs. The grandfather regularly cleaned the spa and tested the water for proper chemical levels. The filter, and the leaf catchers in the pump and blower units were cleaned as needed. The built-in light required resealing which was done by the victim's grandfather. No other servicing was required or conducted.

During her two week stay at her grandparents home, the victim was always asking if she could swim in the spa. She was allowed to do so on one occasion for approximately 10 to 15 minutes. However, the victim continued asking if she could go into the spa again. Sunday, February 25, 1996, was the last day of the victim's vacation. Her grandfather cleaned the spa in case her father allowed her to use it. At approximately 7:00 p.m. the family finished their evening meal. They retired to the garage to play cards with other family members who were present. At approximately 7:30 p.m. the victim's father allowed her to use the spa. The victim's grandfather went to the backyard with her and turned on the spa and the underwater light.

IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996

At approximately 7:50 p.m. the victim's grandmother went to the bathroom. There is a window in the bathroom which overlooks the spa. The grandmother looked out the window and did not see nor hear the victim. She advised her husband, and they searched the house and backyard. The spa was still operating but there was no sign of the victim. The grandfather turned off the spa and its light and returned to the garage. They advised the victim's father that the victim was not in the spa and could not be found. The victim's father looked in the yard and checked with several neighbors to the West. Approximately 8:00 p.m. the victim's father looked into the spa again. He was concerned because the victim's sweat pants and towel were still on the wooden deck next to the spa.

**Event:**

When the grandfather turned on the spa light they saw the victim face up with her head apparently attached to the spa drain.

**Post-Event:**

The suction drain is located on the side of the spa near the bottom. Both the father and the grandfather jumped into the spa, but were unable to remove the victim. A pair of scissors were obtained, and after about three to four attempts the father was able to free the victim.

The victim's grandmother had already phoned 911 emergency and the family began CPR until the paramedics arrived. The victim was transported to a local hospital and was pronounced dead at 2043 hours on February 25, 1996. Cause of death was listed in the coroner's summary as fresh water drowning. Blood alcohol level was 0.00%.

According to the father, the grandparents may not have originally seen the victim in the spa because of the bubbles created by the jets. Also the victim was wearing a brown colored swim suit which was similar in color to the spa.

**Product Identification:**

Efforts to identify the manufacturer of the spa were unsuccessful. There were no identifying labels or marks which could be traced to a specific manufacturer. A logo was cast into the fiberglass on the bottom of the spa. This was copied and shown to several spa retailers, but the identity of the spa manufacturer could not be identified. A copy of the logo design is appended as exhibit number one.

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Keven Barton (9035)  
March 19, 1996

A copy of the city building permit was obtained from the city building department. The owner builder permit appears to be dated November 29, 1982, and is for a Beachport Spa. A review of the 1996 North Orange county yellow pages, the 1992 Business to Business phone directory, covering Orange, Inland Empire and San Diego County, and the 1996 greater Los Angeles yellow pages failed to reveal a listing for Beachport Spas.

It is unknown if any of the components were professionally installed, since the permit indicates an owner builder.

A private investigator working for the families attorney claimed that Beachport Spas was once located in San Clemente, CA. However, a check with directory assistance failed to reveal a listing. The investigator advised that he has been unsuccessful in locating a company named Beachport Spas.

The spa is approximately 85" outside and 73" inside diameter, 36" deep, has eight sides and seven jets and molded seats. The jets appear to be adjustable. There is a light mounted on one of the sides near the bottom. The suction cover was removed by the police and fire department and held as evidence. The suction cover was mounted on the side of the spa near the bottom of two steps that lead into the spa.

The controls for the filter, blower, jets, light, and heater are mounted on the outside wall of the house approximately 7'-6" to 8' from the spa and about 4' from the top of the deck, photographs #5-6, exhibit #8. According to the victim's uncle the spa light, heater and jets were turned on at the time of the incident. The pump and filter are 220v and the blower is 120 volt.

The suction cover was in the possession of a private investigator working for the families attorney. I met with him and examined and photographed the cover. The cover was manufactured by Hydro Air, and had the code sequence of p/n 10-6200 and the initials U.S.P.C. The cover was about 6" in diameter and the threaded portion for connecting to the spa was about 2-7/8" in diameter. No other identifying marks could be located. There were no obvious signs of the cover or other components being tampered with, photographs #15-18, exhibit #8.

It is unknown if the pump, blower, filter or heater had ever been replaced. The grandfather had never replaced any of the units in the two years he has owned the home.

IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996

Product Identification:

Filter Pump:

[REDACTED]

Motor for Filter Pump:

[REDACTED]

[REDACTED]

Heater:

[REDACTED]

Filter:

[REDACTED]

IDI: 960228CWE6001  
Keven Barton (9035)  
March 19, 1996

Product Labeling:

The spa contained two labels located on the upper portion of the spas side just above the first step. The labels read:

1. Photograph #15, exhibit #8.

WARNING  
DO NOT EXCEED  
104

2. Photograph #14, exhibit #8.

CAUTION

The Consumer Product Safety Commission has stated that water temperature in a spa or hot tub should not exceed 104F immersion in water in excess of 104F could be hazardous to your health, children, aged persons, persons having medical problems and pregnant women should consult their physicians before using a spa or hot tub. Spa or hot tubs should not be used by persons under the influence of alcohol or by persons taking medication which induce drowsiness.

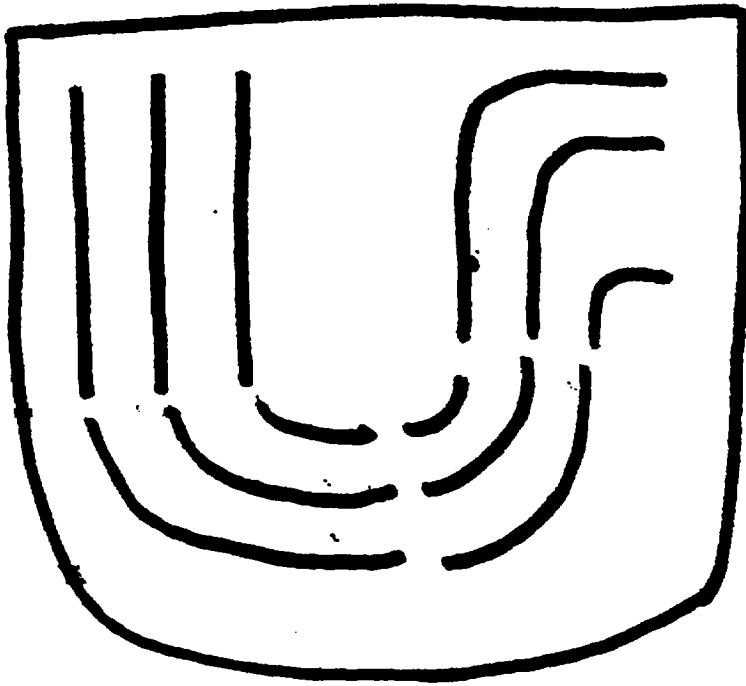
No other identifiable markings could be located on the unit.

Exhibits:

1. Drawing of spa logo.
2. Copy of building permit.
3. Police report.
4. Fire and Paramedic report.
5. Coroner summery report.
6. Catalog for Hydro Air pump.
7. Copy of Los Angeles Times article provided by grandfather.
8. Photographs and Negatives.  
Authorization for release of name.  
Assignment.

EXHIBIT 41  
LB 3/21/96  
960778006004

APR 29 1996



2000

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~~Ernestine~~ ~~Smith~~  
Ernestine Smith

APPROVALS	
Date	Inspector
11/17/83	W. J. [Signature]
O.K. to Granite	11/24/83 [Signature]
Rough Electric	
Rough Plumbing	
Gas Test	11/24/83 [Signature]
P Trap	
Elect. Final	
Fencing - Gate	11/24/83 [Signature]
O.K. to Plaster	
Pool Final, J-Boxes, Cover	

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